

JOURNAL
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SENATE
SESSION OF 1981

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STATE OF NEW HAMPSHIRE



Organizational Meeting

Wednesday, Dec 3, 1980

The Clerk called the Senate to order at 1 o'clock.

The prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

As we meet here today—Lord, strengthen our faith! May our prayers always be said with sincerity, so that as we work to organize the Legislature Session of 1981—we will feel Your Blessings bestowed upon us.

Help us to put into action only that which is truly beneficial and helpful. To fulfill the future needs for our great state. With these thoughts in mind “Thy will shall be done,” and the new foundation of the 1981 Session shall stand firm and just.

Amen

Sen. Lamontagne led the Pledge of Allegiance.

The Clerk called the roll which showed all senators present as follows: Lamontagne, Poulsen, Conley, Freese, Hough, Bergeron, Chandler, Wiggins, Monier, Blaisdell, Mann, Boyer, Kelly, Rice, Podles, Sanborn, Stephen, Brown, Champagne, Lessard, Roy, Preston, and Splaine.

Guest introduction.

The Clerk called a recess.

Out of recess.

At that time, on the first Wednesday in December, in the year of our Lord, one thousand and nine hundred and eighty,

being the day prescribed by the Constitution for the Legislature of New Hampshire to assemble at the Capitol in the City of Concord in said State, and His Excellency the Honorable Hugh J. Gallen, Governor, and the Executive Council, having come into the Senate Chamber, took and subscribed the oaths of office and witnessed the signing of the oath by each individual senator, and were duly qualified as senators agreeably to the provisions of the Constitution, namely:

District No. 1 Laurier Lamontagne
 2 Andrew Poulsen
 3 Raymond Conley, Jr.
 4 George Freese, Jr.
 5 Ralph Hough
 6 Louis Bergeron
 7 John Chandler, Jr.
 8 George Wiggins
 9 Robert Monier
 10 Clesson Blaisdell
 11 Arthur Mann
 12
 13 Richard Boyer
 14 Vance Kelly
 15 Harold Rice
 16 Eleanor Podles
 17 William Sanborn
 18 Robert Stephen
 19 Ward Brown
 20 Norman Champagne
 21 Leo Lessard
 22 Vesta Roy
 23 Robert Preston
 24 James Splaine

Sen. Freese moved that Sen. Sanborn be elected temporary presiding officer.

Seconded by Sen. Conley.

Adopted.

The Clerk requested Sens. Podles and Brown to escort the temporary presiding officer to the rostrum.

Sen. Sanborn in the Chair.

The presiding officer asked for nominations for the Office of President of the Senate.

SEN. BROWN: Mr. Chairman, it gives me a great deal of pleasure to nominate today the candidate to lead the New Hampshire State Senate for the next two years.

This candidate is a proven leader with years of experience. He has served in both the House of Representatives and the State Senate, he understands parliamentary procedure and has worked cooperatively and diligently with his colleagues in a sincere effort to serve the citizens of this great state. He is a graduate of Syracuse University with a doctorate in social science. He has been the chairman of the Urban Studies Department at St. Anselm's College for 20 years and has been active in the development of many specialized community educational programs.

The candidate I am nominating is a conscientious legislator, a successful businessman and educator with the background and credentials it takes to be a strong and able leader.

In his first term as Senate President, he organized and moderated over one of the most efficient sessions and without reservation I am confident that if elected to a second term as Senate President that same efficiency will prevail.

At this time I am pleased to place in nomination the name of Senator Robert B. Monier from the 9th District for President of the New Hampshire State Senate for the upcoming biennium.

Thank You

SEN. ROY: I rise to second the nomination of Robert B. Monier for Senate President. We will look to him to maintain the decorum in this body so that we may conduct our business with voices of good judgement, with dignity and respect for one another.

We have come from many places across this magnificent state—to represent the people who have placed their trust in us. We are deeply grateful for the privilege to serve them.

I believe our duties and obligations will be fulfilled under the leadership and proven administrative capabilities of Sen. Monier.

Thank You

SEN. BLAISDELL: Senator Sanborn, members of the Senate. This is a great honor for me to nominate a member of this Senate from the twenty-third district. I would like to place

the name of Senator Robert F. Preston of Hampton in nomination for presidency of the New Hampshire Senate. I have served with Bob in this Senate since 1967, and during his five terms his dedication to his constituents and to the State of New Hampshire is unchallenged. He has proven to be a competent administrator, and most of all his ability to get along with others is unquestioned. I ask this Senate to consider Senator Robert F. Preston of Hampton for the presidency of the New Hampshire Senate.

SEN. CHAMPAGNE: I stand to second the nomination of Bob Preston. I have only met Bob Preston in the Senate two years ago, and I find him to be a sincere individual and one of the straightest shooters I have ever met. For that reason I wish to second him nomination.

Vote for Senate President taken by roll call.

The following Senators voted for Sen. Monier: Lamontagne, Poulsen, Conley, Freese, Hough, Bergeron, Chandler, Wiggins, Monier, Mann, Kelly, Podles, Sanborn, Brown, Roy.

The following Senators voted for Sen. Preston: Blaisdell, Boyer, Rice, Stephen, Champagne, Lessard, Preston, Splaine.

15 votes for Sen. Monier 8 votes for Sen. Preston

Sen. Monier was duly elected President of the Senate for the 1981 Session.

SEN. MONIER: This is, of course, a proud and happy moment in my life. I wish to personally and with all my heart thank those of you who have honored me this day. It has been a long hard contest interspersed at times with deliberate personal attacks and falsely raised issues—all in the guise of “party politics.”

In truth, and for the first time in my memory, New Hampshire Senate contests have been expanded into costly power struggles with little concern for party, the real problems we face, the good of the state, or a consensus of the voters’ views. Hidden in these actions have been false and misleading information; a lack of concern for the traditionally separate Constitutional roles in public affairs of the Executive offices and the legislature; party purges for personal power control; *and most*

important a lack of concern for the basic truths—truths with which the voter is daily faced.

Two years ago when I was first elected to this high office, it was predicted that this would be a term of “obstructionism.” Yet, minority members were placed in many responsible positions (e.g. Chairman of Education, Judiciary, Development, Recreation & Environment, Vice Chairman of Capital Budget, etc.). Members of the Senate were provided with many additional support needs in secretarial assistance, research, legal counsel; the Senate Clerk’s office was strengthened with added necessary and efficient support personnel—witness the completion of three sessions of permanent journals. The minority leaders were kept briefed and invited to participate in actions taken by the Senate President in response to state problems such as the need for legislative recalls to resolve monetary crises; dealing with the “blackmail” by the Federal government in terms of sanctions against the DES—through agreements reached in May of 1979 and since flagrantly violated by the Secretary of Labor.

In a recent N.H. Times commentary it is interesting to note that “while Gallen aides talk optimistically about hopes for constructive relations with Tucker, they hold out no such hopes for Monier and the Senate.”

I publicly challenge the Governor to indicate where the Senate President’s Office in the past two years has ever—I repeat has *ever*—refused cooperation or constructive relations on any state problem. But I also remind the Executive office that cooperation and constructive relations are a two way street.

I, for example, do not find it constructive relationship to “lull the voters into a false pretense that a large—and by implication available—surplus exists.” I do not find it a constructive relationship nor a cooperative spirit to “hide from the taxpayers of our state that there exists an immediate shortfall of over \$600,000 in a department and that checks were being cut for disbursement to cover that shortfall—on funds not presently appropriated.” I do not find it constructive relations nor in the spirit of coordination on essential state matters to remain silent for personal political advantages about large known and established fiscal shortfalls that are building in Health & Welfare and the Indigent Defender programs.”

The Senate remains open for *constructive* rapport with the Governor in seeking resolutions to problems affecting us all—

as individuals and as elected officials accountable to our constituency.

There are those that will continue to live in the “never-never land” of the last 20 years—where it has become the fashion of the day to believe that government can and should resolve everyone’s problems. This has proven to be disastrous with a capital “D.” It has in many cases created more problems than originally existed. It has developed dependency—not on the good common sense that God gave all of us—but on ducking hard decisions and attempting to placate and patronize all segments of our human desires for achievement.

There is a limit—not to man’s incentive—but to what government can substitute for imagination, hard work, motivation, and good sense. Turning to government—local, state or federal—to seek substitutes for such basic ingredients of man has brought our nation and our citizens to the brink of economic frustration.

New Hampshire has stood apart from the rest. We have enjoyed the fruits of living within our means. We have refused to believe that redistribution of wealth is the answer to created needs. The producing citizen taxpayers—as all others—are tired of being robbed of their hard earned monies by government which produces nothing. They are tired of financing old worn out systems of redistribution of *their efforts*. Those who have labored long and hard and have now reached an age for relaxation and contentment find instead they are buffeted by inflationary costs, decline in their economic status, loss of their freedom of choice by government systems—supposedly designed to assist—but bewildering in their array of complexity and demeaning in their very inception and implementation.

This is the time to stop it. N.H. is the place to do it. We must live within our means. We will insist that our state spend not one cent more than it has—and we refuse to place new burdens on our already saturated taxpayers. It will not be easy. The special and singular interest advocates have already started their usual clamor for attention. We will be pressured from all angles not to desert or reduce this or that need. We will be asked to consider new needs—each as important as any one before.

There will be no place to hide—because the citizens have demonstrated they expect us to “stand and be counted.” We need to govern. We need to set a tone of austerity. And, most

of all, we need the courage to say no. We need the “guts” to face up to the problem “that there is no way to provide for everything but instead to recognize that this is what we have—no more—and use it to provide *direct benefits*, at the least possible cost, to those things we determine are most necessary.

We must make hard decisions in the marshalling of our precious resources without the loss of jobs, income or the unique character of our state. We must grapple with energy issues which threaten the well-being of northern New England as much as the glaciers did long ago. The creeping loss of power for our industries and available fuels for our tourist trade can cut off the quality growth we have seen in recent years producing stagnation where there has been stimulus and starvation where there has been prosperity.

The state’s budget—dwindling in the face of enormous demands—has to be balanced. That task promises to be more difficult than ever before. And sunset, with the governmental reorganization it promises, will confront us with equally difficult decisions.

In each of these cases, energy, budget and sunset, we have to pass legislation, *not block it*. We have to cooperate with our partners in this process, not confront them. We have to work together not only in the Senate but in the rest of the State House as well. That two-way street is open at my end.

This is a proud chamber of the General Court. It is a separate and equal constitutional entity. During the last two years this separate but equal framework has been firmly established through the cooperative efforts of the Speaker of the House.

Such a harmonious relationship resulted in a long overdue revision of our Joint Rules providing for an efficient and well designed joint system to accommodate the needs of both bodies of our citizen’s legislature. Each body carried on its separate responsibilities in an orderly, efficient manner and without infringement on the rights of the other. The results were of major benefit to the citizens of our great state—whom we all serve.

I assure the members of the Senate that both the new Speaker and myself are pledged to continue in this same vein of harmonious cooperation and coordination—always vigilant to the constitutional separation of the three branches of our government—the Executive, the Judiciary, and the Legislative.

Thank you again for honoring me a second time with this position. With God's help I hope to be worthy of its responsibility.

Now let's get down to business.

Sen. Lamontagne and Sen. Freese escorted Sen. Monier to the podium.

Sen. Monier in the Chair.

SEN. CONLEY: Mr. President, at this time it gives me great pleasure to place the name of Wilmont White in nomination for Clerk of the Senate. He came to the Senate in 1965, when he was Assistant Clerk. The first non-lawyer to hold the position as far as any existing records indicate. In 1969 he was elected Clerk of the Senate, and in his first term he was instrumental in bringing about several helpful improvements in the operation of the session. Among which were the establishment of committee stenographers, an important aid to committees, which enable senators to better spend their time free of record keeping. At the same time, as a result of his experience as assistant clerk he also revised the antiquated system of bill record keeping, a system incidently also adopted by the House. Near the end of the session he was asked to stay on as Clerk full time on an experimental basis, this he agreed to do and thus became the first full time clerk in 1969. He has operated the Clerk's office in a courteous efficiency and on a non-partisan basis for the last twelve years serving all twenty-four senators equally. I hope that the members of the Senate will support him for our Clerk for this session. Thank you.

SEN. MANN: Mr. President, with knowledge and appreciation of Bill White's diligent attention to his duties these many years, I am pleased to second his nomination for Senate Clerk.

Nominations closed.

Wilmont S. White elected by unanimous vote.

SEN. CHANDLER: It is a pleasure and privilege for me to rise and place the name of Gloria M. Randlett of Boscawen in nomination for Assistant Clerk of the Senate. No stranger to the Legislative process, having served as a Representative to the General Court during this past biennium, her qualifications are

outstanding. Combine that with her winning and affable personality, we are indeed fortunate to have such a superlative candidate.

Sen. Sanborn seconded the nomination.

Adopted. Unanimous vote.

SEN. HOUGH: Mr. President, it is with a great deal of pleasure that I rise to place in nomination the name of Milo Cheney, a resident of my senate district for the Senate Sergeant-at-Arms position. As we all know who served in the Senate for the last session, it is the support staff that is the backbone of the efficiencies of our deliberations. Milo Cheney has demonstrated a cooperation with all of us in keeping the daily flow of business on an even keel. He is a person who has grown to be a friend of each and every one of us, and I am happy to place his name in nomination for Senate Sergeant-at-Arms.

Seconded by Sen. Poulsen.

Adopted. Unanimous vote.

SEN. PRESTON: Mr. President, I would like to place the name of Charles Mowry in nomination for Doorkeeper. He has served us faithfully in the past sessions. He is formerly from Manchester and now residing at the seacoast, Charlie has demonstrated a fairness to all of us regardless of party, he has demonstrated a patience and tolerance to our many actions in the Senate, and believe me that requires patience, he is someone we can all be proud of and who will carry out his office faithfully. I am pleased that Charlie has offered his services to us once again and I urge that we vote in his behalf.

SEN. BLAISDELL: Mr. President, members of the Senate. Charlie Mowry is probably one of the finest persons who ever walked on the face of this earth—he's a lousy fisherman. I would like to second his nomination.

Adopted. Unanimous vote.

Sen. Brown offered the following resolution.

RESOLUTION

RESOLVED, to meet in Joint Convention for the purpose of electing Secretary of State, State Treasurer, and for canvassing votes of the Governor and Councilors.

Adopted.

Sen. Wiggins offered the following resolution.

RESOLUTION

RESOLVED, that the Secretary of State be requested to furnish the Senate with the official return of votes from the various Senatorial Districts.

Adopted.

Sen. Freese offered the following resolution.

RESOLUTION

RESOLVED, that the returns from the several Senatorial Districts be referred to a select committee of three with instructions to examine and count the same and report to the Senate where any vacancies or contest exists and if so, in what Senatorial District.

Adopted.

The Chair appointed Sen. Brown, Preston and Kelly to serve as the Select Committee.

Recess.

Out of recess.

The Honorable William M. Gardner, Secretary of State, appeared and presented the return of votes for Senators from the various Senatorial Districts, as returned to the Secretary's office.

COMMITTEE REPORT

The select committee to whom was referred the various returns of votes for Senators from the several districts, having attended to their duties and having examined the returns made to the Secretary of State and the records in the office of said Secretary, report that they find the state of the vote returned from the several districts as follows:

First District	
Laurier Lamontagne, Berlin, d	7,292
George H. Keough, Gorham, r	4,499
Plurality for Lamontagne	2,793
Second District	
Andrew W. Poulsen, Littleton, r	12,728
Third District	
Raymond K. Conley, Jr., Sandwich, r and d	17,845
Fourth District	
George E. Freese, Jr., Pittsfield, r	8,456
Philip T. McLaughlin, Laconia, d	7,291
Plurality for Freese	1,165
Fifth District	
Ralph Degnan Hough, Lebanon, r and d	14,972
Sixth District	
Louis E. Bergeron, Rochester, d	8,750
Daniel C. Day, Rochester, r	4,981
Plurality for Bergeron	3,769
Seventh District	
John P. H. Chandler, Jr., Warner, r	8,973
Peter H. Allen, Wilmot, d	7,355
Plurality for Chandler	1,618
Eighth District	
George I. Wiggins, Sunapee, r	6,626
Peter H. Burling, Cornish, d	6,263
Plurality for Wiggins	363
Ninth District	
Robert B. Monier, Goffstown, r	12,891
Frederick W. Branch, Goffstown, d	6,926
Plurality for Monier	5,965
Tenth District	
Clesson J. Blaisdell, Keene, d	9,853
E. H. Close, Keene, r	4,096
Plurality for Blaisdell	5,757

Eleventh District

Arthur F. Mann, Peterborough, r and d	14,744
Twelfth District	

D. Alan Rock, Nashua, r	11,599
Steven S. Kamieniecki, Amherst, d	6,521
Plurality for Rock	5,078

Thirteenth District

Richard E. Boyer, Nashua, d	8,016
Francis A. Bailey, Nashua, r	4,340
Plurality for Boyer	3,676

Fourteenth District

Vance R. Kelly, Londonderry, r	7,674
Thomas J. Claveau, Hudson, d	6,123
Plurality for Kelly	1,551

Fifteenth District

Harold L. Rice, Concord, d	5,989
Caroline L. Gross, Concord, r	5,717
Plurality for Rice	272

Sixteenth District

Eleanor P. Podles, Manchester, r	8,660
Robert E. Plourde, Pembroke, d	8,125
Plurality for Podles	535

Seventeenth District

William E. Sanborn, Deerfield, r and d	14,579
Eighteenth District	

Robert Stephen, Manchester, d	7,178
Harry Tseronis, Manchester, r	3,069
Plurality for Stephen	4,109

Nineteenth District

Ward B. Brown, Hampstead, r and d	16,316
Twentieth District	

Norman E. Champagne, Manchester, d and r	10,174
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Twenty-first District

Leo E. Lessard, Dover, d	7,490
Anthony McManus, Dover, r	6,050
Plurality for Lessard	1,440

Twenty-second District

Vesta M. Roy, Salem, r	11,230
Francis P. Dunn, Salem, d	5,111
Plurality for Roy	6,119

Twenty-third District

Robert F. Preston, Hampton, d	11,792
John W. Beyer, Greenland, r	5,337
Plurality for Preston	6,455

Twenty-fourth District

James R. Splaine, Portsmouth, d	7,211
C. Cecil Dame, Portsmouth, r	4,342
Plurality for Splaine	2,869

Sen. Brown for the committee.

Sen. Blaisdell moved the report be accepted.

Adopted.

Sen. Boyer offered the following resolution.

RESOLUTION

RESOLVED, that the Clerk of the Senate be authorized to provide, during the session, two newspapers printed within the State for the members and officers of the Senate.

Adopted.

Recess.

Out of recess.

PRESENTATION OF GIFT

SEN. MONIER: In front of me is a gift that has been presented to the New Hampshire State Senate. It is a gift that I welcome with great glee and there is a message that goes with it. I haven't decided yet whether to dedicate this gift to Sen.

Blaisdell or not, I do feel that we are going to dedicate it to the Senate. We now have, because I have accepted, with non-concurrence of the Senate, a mascot for the Senate. This mascot was prepared by our Majority Leader's good wife, Thelma, made by hand. She did not know this was going to happen, and I am going to read the message inside of it. We now have, for your information, what will be known from here on in this session as the Senate Witch. And the Senate Witch reads as follows: This is the New Hampshire State Senate Witch. She brings good luck to all Senators who bring forth reasonable views, and she banishes those with evil thoughts, and beware, she shall be watching. I entrust this Senate Witch to our good Sergeant-at-Arms, who will hang it in an appropriate place for all Senators to be observant for the next biennium. And thank you Thelma for your lovely present.

SEN. PRESTON: There are many matters, in your position as Senate President, that you can make the sole determination on, but we members of the minority have not met yet. I think we might be in concurrence that the witch may be a symbol of your reign. We will however reserve our determination until such time as we have had time to discuss it further.

SEN. MONIER: Sen. Preston, I wish to acknowledge that I think the witch will be good for all of us.

HOUSE MESSAGE

The House of Representatives is ready to meet with the Honorable Senate in Joint Convention for the purpose of electing a Secretary of State and a State Treasurer.

Recess for Joint Convention.

Out of recess.

Sen. Brown offered a Resolution honoring the late Sen. D. Alan Rock.

RESOLUTION

WHEREAS a Resolution is the means whereby the Senate of the State of New Hampshire recognizes individuals whose contributions to the State are outstanding and,

WHEREAS Senator D. Alan Rock commenced his legislative career as a representative to the General Court in 1972 and was

subsequently elected and served with distinction for three consecutive terms in the New Hampshire Senate, and

WHEREAS Senator Rock unselfishly served the citizens of the State of New Hampshire and his constituents in New Hampshire Senatorial District Twelve with a dedication, resolve and effectivity seldom equalled and,

WHEREAS under his Chairmanship the Senate Finance Committee was a model of legislative efficiency and

WHEREAS Senator Rock served as an articulate spokesman to protect the interests of the citizens of the State of New Hampshire as Chairman of the Legislative Utility Consumers' Council and

WHEREAS as a trustee of the University System of the State of New Hampshire his efforts resulted in a legacy of educational opportunity for our young people to enjoy for years to come and

WHEREAS his involvement in community affairs both as President and General Manager of the 1590 Broadcasting Corporation and as a member and leader of numerous civic organizations and boards redounded to the benefit of the citizens of Nashua and surrounding communities and

WHEREAS his charitable works and his selfless desire to help others less fortunate than himself were cornerstones of his every thought and action and

WHEREAS his love for his wife, Pat, his son, David, his daughters, Barbara, Kathleen, Laurie and Jamie shone forth with intensity and the devotion of a true family man, therefore be it

RESOLVED, that we, the Senators of the State of New Hampshire, join in mourning the departure of our eloquent colleague and dedicate ourselves to those ideals which guided the actions of the late Senator D. Alan Rock.

SEN. BLAISDELL: Mr. President, members of the Senate. I want to speak in favor of the resolution for the democratic members of this Senate. I would like you all to know that we are very happy that our lives touched Al Rock's and that his life touched ours. We appreciated his leadership, his advise, he was a true friend, he was a tireless worker in this Senate. No one could ever doubt his work here in the Senate. I know I have always appreciated it and I am going to miss those words like buffalo chips and a few others that he used when he sat here

and used in 'good humor to' all of us. He was a gentleman, I think that is all you could say about a man like Al Rock, and he was a true friend.

Adopted.

SEN. LAMONTAGNE: Mr. President and members of the Senate. I would like to say a few words and to have these words recorded for our journal. Today we have had a moment of silence for a great man, Senator Rock. As the Dean of the Senate, who has served with many chairmen of the Finance Committee, I feel that today I should express my feelings on what I thought of a friend. Senator Rock is going to be missed. There are words that have always been said in the past that a man can be replaced at any time. Today I say to you that Senator Rock, as chairman of the Finance Committee, will never be replaced. I can say that Senator Rock has been one of the best Finance Chairmen of the Senate that we have ever had, and I wish to express my true feelings about Senator Rock. At this time I want to express how much he will be missed by me, and many of you. Thank you.

Sen. Brown moved Sen. McLaughlin transport the resolution to Mrs. Pat Rock.

Adopted.

Sen. Lamontagne offered the following resolution.

RESOLUTION

RESOLVED, that the rules of the 1979 session be adopted as the rules of the 1981 session and further that these rules may be changed by majority vote for the next three legislative days.

SEN. LAMONTAGNE: For those of you who have served under the rules, you will know that these rules worked out very well.

Adopted.

RULES OF THE SENATE

1. The President, having taken the chair, shall determine a quorum to be present. Any erroneous entry in the daily journal shall be corrected no later than the third succeeding legislative

day, and the permanent journal corrected one week after the permanent journal copy is placed in the hands of the Senate.

2. No member shall hold conversation with another while a member is speaking in debate.

3. Every member, wishing to speak, shall address the President and when he has finished shall, if having risen to speak, then sit down.

4. No member shall speak more than twice on the same question on the same day without leave of the Senate.

5. More than one member rising to speak at the same time, the President shall decide who shall speak first.

6. If any member transgresses the rules of the Senate, the President shall, or any member may, call him to order; in which case the member so called to order shall immediately cease and desist, and the Senate, if appealed to, shall decide the case but if there is no appeal, the decision of the President shall be conclusive.

7. No member shall absent himself without permission from the Senate.

8. When any question is under debate, no motion shall be received but first, to adjourn; second, to lay upon the table; third, for the previous question; fourth, to postpone to a certain day; fifth, to commit; sixth, to amend; and seventh, to postpone indefinitely; which several motions shall have precedence in the order in which they are so arranged. Motions to adjourn, to lay upon the table, for the previous question, and to take from the table shall be decided without debate. Motions to postpone to a certain day shall be debatable both as to time and subject matter. No motion to postpone indefinitely, to postpone to a certain day, or to commit, being decided, shall be in order at the same stage of the bill or resolution, until after adjournment.

9. A question which is postponed indefinitely shall not be acted upon during the same session except whenever two-thirds of the whole number of elected Senators shall on division taken, vote in favor thereof. No motion to suspend this rule shall be permitted.

10. Any member may call for a division of the question when the sense will admit it. *Unless otherwise specifically provided for, a majority of those present and voting shall be required to pass any vote.*

11. When the reading of a paper or a document is objected to by a member, the question shall be determined by a vote of the Senate; and without debate.

12. When the yeas and nays have been moved by a member and duly seconded by another member, each member present shall declare his assent to dissent to the question, unless for special reason he be excused by the Senate. The names of the persons so making the motion and the second shall be recorded in the Journal. A member who is to be absent when the yeas and nays are required may pair his vote with another member, to be present or also to be absent, who intends to vote on the opposite side of the question. Pairs shall be permitted only if the yeas and nays are taken on such question. Both members shall file such pair in writing with the Clerk before the question is put. In all cases of pairing, the vote of neither member shall be counted in determining the result of the roll call; but the Clerk shall announce all pairs and enter them in the Journal. The President shall determine the order of the roll call.

13. In case of any disturbance or disorderly conduct in the gallery, the President shall have the power to order the same to be cleared. The Chairman of the Committee of the Whole may restrict attendance to the duly elected Senators.

14. No vote shall be reconsidered, unless the motion for reconsideration be made by a member who voted with the prevailing side, nor unless the notice of such motion be given to the Senate in open session prior to adjournment on the same day on which the vote was passed, or on the next day on which the Senate shall be in session within one half hour after the convening of the early session, and any such notice of reconsideration shall be effective for three legislative days only and thereafter shall be null and void.

15. Before any petition shall be received and read, a brief statement of the contents thereof shall be made by the member introducing the same.

16. All petitions, memorials and other papers addressed to the Senate and all bills and resolutions to be introduced in the Senate, shall be endorsed with the name of the Senator presenting them, and with the subject matter of the same. Every bill shall be marked on the first page "Senate Bill" and numbered serially; every joint resolution shall be marked "Senate Joint Resolution" and numbered serially; every concurrent resolution proposing a constitutional amendment shall be marked "Con-

current Resolution Proposing a Constitutional Amendment” and numbered serially; and every other concurrent resolution shall be marked “Senate Concurrent Resolution” and numbered serially, as each bill or resolution is introduced into the Senate.

17. All petitions, memorials and other papers addressed to the Senate and all bills and resolutions to be introduced in the Senate shall be delivered or caused to be delivered to Legislative Services, who in turn will submit it to the sponsor for his signature, and then to the Clerk by Legislative Services. No proposed bill, resolution or petition shall be made public, except by the sponsor, until signed by the sponsor. During any adjournment the President may receive bills and resolutions for printing and for reference to committee; provided that no bill shall have a public hearing until it is formally introduced into the Senate, printed and available for distribution. The President shall take up all bills and resolutions for introduction at the early session.

18. All resolutions which may require the signature of the Governor shall be treated in the same manner as bills.

19. Every bill shall have three readings in the Senate previous to its passage. The first and second readings shall be by title only which may be accomplished by a conglomerate resolution, after which the bill shall be referred by the President to the appropriate committee and shall be printed as provided in Rule 20, unless otherwise ordered by the Senate. No bill after it has been read a second time shall have a third reading until after adjournment from the early session. The time assigned for the third reading of bills and resolutions shall be in the late session unless otherwise ordered by the Senate. The orders of the day for the reading of bills shall hold for every succeeding day until disposed of.

20. After every bill shall have been read a second time, and referred by the President to the appropriate committee, the Clerk shall procure a sufficient number of copies, printed on paper of uniform size, for the use of the legislature, and cause the same to be distributed to the members, and when printed the bill shall be immediately delivered to the committee to which it shall have been referred. Bills received from the House shall be printed at the same stage of their procedure unless they have been printed in the House and copies distributed in the Senate, in which case any amendment made by the House shall be duplicated and distributed in the Senate.

21. No amendment shall be made but upon the second reading of a bill; and all amendments to bills and resolutions shall be in writing, with the name of the Senator and the district he represents thereon. No amendment to any bill shall be proposed or allowed at any time or by any source, including a committee of conference except it be germane.

22. A hearing shall be held upon each bill referred to a committee, and notice of such hearing shall be advertised at least two legislative days in the Journal of the Senate.

23. When a bill is reported favorably with an amendment, the report of the committee shall state the amendment, and then recite the section of the bill in full as amended. The amendment shall be printed in the calendar of the Journal on the date that the report is listed for action. If no action is taken on that day, then the amendment shall be printed on the day to which the bill has been referred. All bills reported shall be laid upon the table and shall not be finally acted upon until the following legislative day, and a list of such bills with the report thereon shall be published in the Journal for the day on which action shall be taken.

24. Every bill and joint resolution appropriating money, which has been referred to another committee and favorably accepted by the Senate, shall be committed to the committee on Finance for review. If any such bills have been referred jointly to the committee on Finance and another standing committee, the committee on Finance may report separately and a further public hearing may be held at the discretion of the committee on Finance. All bills appropriating money, which are referred to the Finance Committee may have only one hearing.

25. All bills, resolutions and addresses, after passing the Senate, shall be signed by the President and all warrants, subpoenas and other processes issued by order of the Senate shall be under his hand and seal attested by the Clerk.

26. All committees of the Senate, including senate members on committees of conference, shall consist of members of both parties as nearly equal as possible, provided that on all committees, both parties shall be represented. The President shall appoint the members of all committees, after consulting with the minority leader.

27. The standing committees of the Senate shall be as follows: The Committee on Finance, Committee on Capital

Budget, Committee on Ways and Means, Committee on Education, Committee on Public Institutions and Health and Welfare, the Committee on Transportation, Committee on Executive Departments, Committee on Development, Recreation and Environment, Committee on Judiciary, Committee on Banks, Committee on Insurance, Committee on Public Affairs and the committees on Interstate Cooperation, Rules and Resolutions, Journal, and Enrolled Bills.

28. Messages shall be sent to the House of Representatives by the Clerk of the Senate.

29. Messages from the Governor or House of Representatives may be received at all times, except when the Senate is engaged in putting the question, in calling the yeas and nays, or in counting the ballots.

30. All questions shall be put by the President, and each member of the Senate shall signify his assent or dissent by answering yea or nay. If the President doubts, or a division is called for, the Senate shall divide. Those in the affirmative of the question shall first rise from their seats and stand until they be counted. The President shall rise and state the decision of the Senate.

31. No person except members of the executive, or members of the House of Representatives and its officers, shall be admitted to the floor of the Senate, except by the invitation of the President, or some member with his consent.

32. The Senate shall adjourn to meet on the subsequent legislative day for the early session at the time mentioned in the adjournment motion: the late session shall immediately follow the early session unless the Senate shall otherwise order.

33. No standing rule of the Senate shall be suspended unless two thirds of the members present vote in favor thereof. This rule shall not apply to Senate Rule 9.

34. No rule shall be rescinded unless two days notice of the motion has been given and two-thirds of those present vote therefor.

35. The Senate may resolve itself into a Committee of the Whole at any time on motion made for that purpose; and in forming a Committee of the Whole, the President shall leave the chair, and appoint a chairman to preside in committee.

36. The President when performing the duties of the Chair may, at any time, name any member to perform the duties of the Chair.

37. The staff of the Senate shall be composed of a clerk, an assistant clerk, a sergeant-at-arms, and a door-keeper who are to be elected by the Senate, and such other personnel as the President shall appoint. The President shall define the duties of all members of the Senate staff which are not fixed by statute or otherwise ordered by the Senate.

38. Each member of the staff of the Senate shall be available on call to carry out the work of the Senate.

39. The committees shall promptly consider and report on all matters referred to them. The President may authorize such committees having a heavy load of investigation, redrafting, research or amendments to meet as needed on non-legislative days during the legislative session. The Clerk of the Senate shall prepare a list by number, title and sponsor of all Senate bills and resolutions in committee which have not been acted upon within one week before the deadline established for the transfer of bills and resolutions from the Senate to the House of Representatives, and he shall distribute this list to every member of the Senate as soon as it is prepared.

40. Any appeal from the ruling of the presiding officer shall be decided by majority vote of the members present and voting.

41. No new motion shall be admitted under color of amendment as a substitute for the motion under debate.

42. No member shall vote on any question in which he is directly interested; nor shall he be required in any case where he was not present when the question was put; nor sit upon any committee when he is directly interested in the question under consideration. In case of such interest of a member of a committee, the fact shall be reported to the Senate and another person may be substituted on that question in his place.

43. Action on the floor of the report of a committee of conference on either the general appropriation bill, or the capital improvement bill, shall not be taken up by the Senate, until said report has been delivered to the members twenty-four hours in advance, in written form. Nongermane amendments and footnotes to such bills (except footnotes in explanation of the principal text of such bills or designating the use or restriction of any funds or portions thereof) are prohibited and shall not be allowed under any circumstances.

44. **PERSONAL PRIVILEGE:** A Senator may, as a matter of personal privilege, defend his position on a bill, his integrity, his record, or his conduct, against unfair or unwarranted criti-

cism, or may speak of an issue which relates to his rights, privileges or conveniences as a Senator; provided, however, that matters raised under personal privilege shall not be subject to questioning, answer, or debate, by another Senator.

Personal Privilege remarks may be included in the Journal if requested by the Senator.

A Senator may speak on other matters of his choosing and in such cases may be subject to questioning and/or answer according to the rules of the Senate.

45. No officer or employee of the Senate during the session or any adjournment thereof shall purchase or contract for the purchase, pay or promise to pay any sum of money on behalf of the Senate or issue any requisition or manifest without the approval of the Senate President and the Chairman of the Finance Committee.

SEN. PRESTON: Those who have previously served in the Senate recall that this was changed in the last session. For three previous sessions this rule worked very well. It presented the minority party, or the democratic party as it is known today in this chamber, to assign members to the committees and their appropriate talents and efforts so that the business of the Senate was conducted in a fair manner and did not result in any obstructionism. I guess my appeal today to the freshmen members of the majority party is to allow us to work and embark on this session in a more cooperative manner and spirit, and allow us what was previously a right or a privilege to assign our appropriate members to the committee assignments as has been done by the past republican President's of the Senate, David Nixon and Alf Jacobson. We worked well within the framework of the similar rule which you see before you today and found that it did nothing to interfere with the spirit of working together with no hinderance or threat to the leadership of the party and allowed us all to serve our constituency well and I would urge that you establish your votes as who your Senate President will be that you give us this opportunity to work with the President in appointing the members of our party that we think will best suit the particular needs. Thank you.

SEN. LAMONTAGNE: I rise in opposition to the proposed amendment. I feel that for the last two years that all the Senators appointed by the President are sure that the President

really placed both democrats and republicans on proper committees and everybody was treated fair and justly. I feel the rules of 1979 worked out well and I cannot see why we should make any changes at this time.

SEN. BLAISDELL: I appreciate the feelings of the Senator from the first district, I want to support the amendment of the Senator from the twenty-third district, Senator Preston. Senator Preston was today elected as the democratic leader of the Senate, I think that his input and the knowledge of where his senators who voted for him would like to serve that it be his prerogative, and I ask you members of the Senate to change this rule I think it is a fair rule and one that will start the Senate off in a lot more harmony, and I ask you to search your souls and give us eight members of the democratic party in this body that right.

SEN. CHAMPAGNE: I rise in support of the amendment proposed by Sen. Preston. I understand that the only difference between rule 26 that is being proposed this afternoon and rule 26 adopted last year is that the amended version will allow the democratic leader to pick the members of the democratic party to serve as minority members on various committees. Mr. President, in your opening statement you talked about cooperation, and I rise to ask the members of the majority party for just that, cooperation. I ask that you vote in favor of this amendment.

SEN. CONLEY: I rise in opposition to the current amendment on the floor. I think this same amendment in essence had a full hearing during the last session of the Senate. We went into the history, we got into a little bit of heated discussion and I think the thrashing out that we had in the 1978 session indicated that the President of the Senate should have the responsibility with the consulting of the minority leader to appoint all members of the committees. And, I would recall, sir, that until Mr. Nixon prior to that the present rule as it is written was in effect, and it was only at that time that any change was made. At that particular time, it was a political expediency that brought that change about. I would say that during this last session, and the 1978 session, the appointments by the President of the Senate were most appropriate and in fact included a number of the minority party in chairmanships of very important committees and I would expect that the President of the Senate would continue in that particular vein. As we review the

happenings of the 1978 session, the last days of the session, it was even indicated by members of the minority party that the organization and operation of the Senate under President Monier in the 1978 session was one of the best that we have had in a number of years. Therefore, Mr. President, I would urge the Senate turn down the amendment to the resolution.

Sen. Sanborn moved the previous question.

Adopted.

Sen. Champagne called for a roll call.

Seconded by Sen. Blaisdell.

The following Senators voted yea: Blaisdell, Boyer, Rice, Stephen, Champagne, Lessard, Preston, Splaine.

The following Senators voted nay: Lamontagne, Poulsen, Conley, Freese, Hough, Bergeron, Chandler, Wiggins, Monier, Mann, Kelly, Podles, Sanborn, Brown, Roy.

8 Yeas 15 Nays

Amendment lost.

ANNOUNCEMENTS OF APPOINTMENTS

President Pro-Tem: Sen. William Sanborn.

Vice President: Sen. Louis Bergeron.

Majority Leader: Sen. Ward Brown.

Senate Whip: Sen. Laurier Lamontagne.

Senate Assist. Whip: Sen. Vesta Roy.

Senate Assist. Maj. Leader: Sen. Raymond Conley.

Senate Minority Leader: Sen. Robert Preston.

Assist. Senate Minority Leader: Sen. Clesson Blaisdell.

I would like to also at this time take notice of the excellent staff that serves the New Hampshire State Senate: Mr. Samuel Reddy, Mr. Richard Strome, Mrs. Virginia Colby, Mr. Daniel Namowitz, Mrs. Carol Pletcher, Mrs. Donna Carideo, Mrs. Gigi Oberlander, Mrs. Rachael Duvernay.

Often overlooked in our press of business is the efforts of our support personnel who so efficiently maintain and organize our activities and functions in this chamber: Mr. Milo Cheney, Sgt-at-Arms; Mr. Charles Mowry, Doorkeeper; Mrs. Ruth Conley, Documents Clerk; Mrs. Maryann Averka, Messenger; Miss Judy Reddy, Messenger; Mrs. Genevieve Gurney, Recorder. Dr. Vincent Fischer, Chaplain.

SEN. PRESTON: Mr. President, I wish to congratulate you upon your re-election as Senate President. You may rest assured that those of us (Democrats) known in this chamber as the Minority Party embark on this session in a spirit of cooperation—and will work with you on matters in the best interests of the legislature, and more importantly for the interests of the citizens of this state. We expect as indicated by you today, that all Senators regardless of party will be placed on committees where their talents may best be used.

I accept as political rhetoric your public criticism of the Governor this afternoon though I'm saddened you choose the first day of the session to do so. Instead of confrontation with the Executive Branch, let us agree that though we intend to maintain our legislative independence—that we will work together to resolve the many problems we face. Again Mr. President—Congratulations upon your election today.

Sen. Brown moved to adjourn to 1 p.m. on Jan. 7th and when we adjourn we do so in honor of the birthday of Dan Namowitz our Press Secretary.

Adopted.

Wednesday, Jan 7, 1981

The Senate met at 1:00 p.m., Wednesday, January 7, 1981.

A quorum was present.

The prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

May this New Year of 1981—open our eyes to our own needs—as well as to the problems and hardships of these trying times—which often beset the people whom look to us for help.

Grant us the courage to persevere under the strain of the many pressures which are placed upon us; but with Thy help, Lord, we know—that all things will work toward the well being of all concerned!

Help us Lord, we humbly beseech Thee.

Amen

The passing of former Governor Powell was recognized by silent prayer.

Senator Blaisdell led the Pledge of Allegiance.

Introduction of guests.

Senator Poulsen has been excused for the day.

Announcements.

Sen. Lessard introduced the following resolution.

RESOLUTION

WHEREAS a Resolution is the means by which the Senate recognizes the superior efforts of an individual, and

WHEREAS Cathy Schiro has yet to reach high school, and

WHEREAS at 13 years old she is already a running star, and

WHEREAS Tom and Marcia Dowling, coaches of the Dover High Girls Cross-Country Team have brought Cathy along very carefully, and

WHEREAS an Olympic Berth in the future is not beyond the realm of possibility for the girl who started running only last year, and

WHEREAS Cathy has already won the State and New England Championships in addition to winning the National Cross-Country Championship in her age bracket, a title she earned in Raleigh, N.C. where she bested a field of 130 of the nation's best in her category, be it therefore

RESOLVED that the Senate of the State of New Hampshire does hereby congratulate Cathy Schiro for her accomplishments and wishes her continued success in all future endeavors.

Adopted.

HOUSE MESSAGE

The House is ready to meet with the Honorable Senate in Joint Convention for the purpose of canvassing the vote for Governor and Councilors.

Sen. Conley moved the Senate concur.
Adopted.

Recess for Joint Convention.
Out of Recess.

Sen. Preston recognized the passing of Harry Parr, husband of Rep. Ednapearl Parr of Hampton.

Sen. Brown moved an amendment to Senate Rule No. 45.

AMENDMENT

Amend rule number 45 by striking out all after the words Senate President so that the rule will read:

45. No officer or employee of the Senate during the session or any adjournment thereof shall purchase or contract for the purchase, pay or promise to pay any sum of money on behalf of the Senate or issue any requisition or manifest without the approval of the Senate President.

SEN. BROWN: In the past the rule read; and also signed by the Finance Chairman. At that time the LBA did not keep our records and accounts, they now do it and they see that the money is there. The only reason the Chairman of Finance signed in the past is just to show that the amount of the money requested is in that account. And now LBA keeps that account and verifies it before it is spent. That's the reason for the change.

SEN. PRESTON: Isn't it true that would be duplication of signatures. The fact that Senator Monier is also the Senate Finance Chairman and the President of the Senate.

SEN. BROWN: That is true.

Amendment Adopted.

Sen. Preston spoke under Rule 44.

SEN. PRESTON: I just want to make note on some of your standing committees, Mr. President. As minority leader I fully understand the authority you have as Senate President. I just want to publicly express my dismay and what I think unfairness in some of the committee assignments whereas only one member, in some cases, of the minority is represented and that in my opinion that doesn't fulfill the spirit on even the rule that was voted upon by the majority of the Senate. I regretted that rule 26 as I had recommended was not adopted and I think the words that I echoed at that time came true today. I shouldn't say abused, I think you're making full use of your powers but I think that there's some unfairness. Particularly I think that unfair treatment of a veteran Senator that serves well in finance, mainly Sen. Blaisdell. I'd just like to say, Mr. President, that one of my requests, both privately and publicly, which was to assign certain senators to certain committees. And the years that Sen. Blaisdell served in finance. I did request of you to replace myself or Sen. Splaine as a member of finance and I would particularly be pleased if you would consider that request and I certainly would step aside for Sen. Blaisdell's expertise in that committee.

Sen. Brown moved that the Senate now adjourn from the early session, that the business of the late session be in order

at the present time; and that when we adjourn, we adjourn until 11:00 a.m., Thursday, January 8, 1981.

Adopted.

LATE SESSION

Sen. Conley moved to adjourn at 1:45 p.m.

Thursday, Jan 8, 1981

The Senate met at 11:00 a.m.

Sen. Sanborn in the Chair.

A quorum was present.

The prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

May Divine Providence be with Governor Gallen as he is inaugurated today for his second term in this high office.

Grant unto him Lord, the wisdom and courage to maintain justice in a good and righteous manner—ever mindful of the needs which face our state—with a quick response to bring decency and order out of chaos.

Let us all in our own individual ways make this a banner year in the history of our state.

Amen

Sen. Stephen led the Pledge of Allegiance.

HOUSE MESSAGE

INTRODUCTION OF CONCURRENT RESOLUTION

HCR 1, adopting joint rules for the 1981 session. (Referred to Rules.)

HOUSE MESSAGE

The House is ready to meet with the Honorable Senate in Joint Convention for the purpose of hearing the report of the Joint Committee and the Inauguration of the Governor-elect, the Honorable Hugh J. Gallen, and the Honorable Councilors.

Sen. Lamontagne moved the Senate concur.
Adopted.

Recess for Joint Convention.
Out of Recess.
Sen. Monier in the Chair.

INTRODUCTION OF GUESTS

ANNOUNCEMENTS

The Chair announced that the Senate would not have another session day until such time as there were sufficient bills for introduction.

Sen. Brown moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, and that when we adjourn, we adjourn to the call of the Chair.

Adopted.

LATE SESSION

Sen. Lamontagne moved to adjourn at 12:45 p.m.

Adopted.

Thursday, Jan 15, 1981

The Senate met at 1:00 p.m.

A quorum was present.

The prayer was offered by the Rev. Vincent Fischer, Senate Chaplain.

Lord, we await an impact upon ourselves — through the power of Thy Holy Spirit — to direct our thoughts towards the planning and final resolvment of the day to day problems which confront us during these trying times.

May we ever be vigilant to grasp at those opportunities which shall be beneficial not only to ourselves personally — but to all concerned!

Hear our prayer, Lord!

Amen

Senator Podles led the pledge of Allegiance.

Senators Poulsen, Hough and Preston are excused for the day.

INTRODUCTION OF GUESTS

Introduction of Senate Bills

Sen. Brown moved the following resolution:

Resolved, that in accordance with the list in the possession of the Clerk, Senate Bills 12-21 and CACR 1 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

SB 12, requiring a burial permit for fetuses aborted in the second or third trimester. (Chandler Dist. 7 — To Public Institutions and Health and Welfare)

SB 13, requiring that all abortions be performed in licensed hospitals. (Chandler Dist. 7 — To Public Institutions and Health and Welfare)

SB 14, requiring registration of all aborted fetuses with the bureau of vital records and health statistics. (Chandler, Dist 7 — To Public Institutions and Health and Welfare)

SB 15, extending the degree granting authority of Magdalen College. (Sen. Podles, Dist. 16; Sen. Chandler, Dist. 7 — To Education)

SB 16, to continue the existence of the planning and zoning study committee through the next biennium ending June 30, 1983. (Sen. Brown, Dist. 19 — To Executive Department)

SB 17, repealing the countersignature provisions of the insurance laws relative to foreign insurance and surety companies. (Sen. Champagne, Dist. 20 — To Insurance)

SB 18, ensuring official representatives of the state and United States armed services access to high school and college

campuses. (Sen. Sanborn, Dist. 17; Rep. W. Boucher, Rock. 3; Rep. King, Rock. 1; Rep. Levesque, Hills. 22 — To Executive Departments)

SB 19, relative to the Spaulding extension. (Sen. Poulsen, Dist. 2; Sen. Bergeron, Dist. 6; Sen. Mann, Dist. 11 — To Transportation)

SB 20-FN, raising the rental rate chargeable to the state for the leasing of liquor merchandising facilities and making an appropriation therefor. (Sen. Lessard, Dist. 21; Sen. Mann, Dist. 11; Rep. Belhumeur, Straf. 21; Sen. Blaisdell, Dist. 10; Rep. Kaklamanos, Hills. 21; Rep. White, Hills 27; Sen. Boyer, Dist. 13; Sen. Bergeron, Dist. 6; Sen. Sanborn, Dist. 17; Sen. Brown, Dist. 19; Sen. Lamontagne, Dist. 1 — To Ways and Means)

SB 21, enabling cancer patients to obtain marijuana by prescription. (Sen. Sanborn, Dist. 17 — To Public Institutions and Health and Welfare)

CACR1, the qualifications of senators and governor's councilors. (Sen. Splaine, Dist. 24 — To Executive Departments)

Sen. Sanborn in Chair.

RECONSIDERATION

Senator Monier moves we reconsider our action whereby we referred HCR 1 to the Rules Committee and nonconcur and request a Committee of Conference.

SEN. MONIER: So that everyone understands exactly what we're doing I would like to take this opportunity to come on the floor. We have very little business today but sometimes it will help to explain some of the procedures we have. All you Senators probably know that one of the ways by which we can arrive at a Committee of Conference when we have something we wish to do or not do, either way, with the House, we issue a Committee of Conference. The last time we met we received from them a Joint Rule Resolution which adopted the Joint Rules. I accepted it into the Senate and I referred it to the Rules Committee. In discussion with the House, the truth of the matter is they had made no corrections with it. I didn't know it at the time, that was probably my mistake. The answer is we want to go to Committee of Conference on this because

we want our Joint Rules approved between the two Houses as soon as possible. The quickest way to do it is to bring it back, if I had not referred it to Committee it would not be there. So I'm asking that the Senate pass the Resolution to allow me to reconsider by bringing the Rules back here, or that document, HCR 1. The minute you do this I will then move for nonconcurrence, the Clerk would then submit to the House that we nonconcurr and a Committee of Conference can be established. I would be glad to answer any questions on it, I'd just like you to know what we're doing and why this is a procedural matter.

SEN. LAMONTAGNE: As the Chairman of the Rules Committee of the Senate I rise in support of the motion. By reconsidering our action at the present time it would possibly save us about two weeks. I'm very much in favor and I hope the Senate will vote for the Resolution.

HCR 1, adopting the joint rules for the 1981 session.

Adopted.

The chair appoints Senators Lamontagne, Brown and Monier.

RESOLUTION

Sen. Monier moved that the rules of the Senate be so far suspended as to allow Public Hearings, on the bills introduced today, with only one Legislative Days notice, but at least seven Calendar Days.

SEN. MONIER: Part of the Rules that we have already adopted and which have always been part of our Rules is that two Legislative Days notice must be given for a Hearing on any bill which a committee will hear. Once in a while we do suspend the Rules. This time I'm asking for the suspension of Rules and here's the reason. One is we now have a Legislative Day, we have no business before us, literally after today, until the Hearings are over with. Therefore, we would have to hold another Legislative Day for the express purpose of having that rule agreed to. It's common practice, it's a common resolution drawn by the Clerk. What it does is we suspend the Rule of two Legislative Days hearing to say we only need one. At the same time the other explanation, but at least seven Calendar Days, is

so the press and everyone in the public and you recognize there will be seven days between the time that the Hearing will be held and today. Do we have any questions?

Adopted.

Sen. Splaine offered an amendment to the Senate Rules.

PROPOSED AMENDMENT TO SENATE RULES

SEN. SPLAINE: I'd like to offer this rules change for the Senate. Essentially it reads as follows: That the chambers of the Senate shall be a non-smoking area. Any room in which a Senate Committee holds a Public Hearing shall be a non-smoking area while such Public Hearing is in progress. That's all it is, I think though it does a lot.

Two years ago we had an opportunity to discuss this concept of prohibiting smoking in the Senate Chambers and in Public Hearings. It was defeated at that time probably because I was not as successful as I otherwise might have been at trying to urge its passage and at making it so crystal clear to you that I think that this is a very serious matter. There is going to be during this legislative term a number of issues which deal with the budget, with welfare, with education, with so many problems which are going to be much more important to the general public and to the State of New Hampshire than this rules change might be, but nevertheless I think that this rules change is important to the atmosphere, if I may use that term, in which we will be dealing with those many issues. I try to keep issues and matters such as these on a very nonpersonal basis. I think that that is what we should be doing, we're all here to try to represent the public, not necessarily ourselves. But I think that this issue in particular does have a twofold purpose. One is the question of respect toward the public and secondly it does come down to an issue of Senatorial courtesy. It is being recommended for passage to you today by myself and Sen. Jack Chandler of Warner, for one specific reason on our part as well as a number of others, two of which I'll point out in a moment. Both of us are negatively, physically affected by cigarette smoke. In my case I have an allergy and all through my life I've always had a problem with being in a room which is filled with a lot of smoke. I think I

pointed this out two years ago. You might have noticed as a number of people have, that, particularly come April and May and June that even with these windows open very often I'd have to stand near that window or in the corner in order to find some part of these Chambers which were not smoke filled. During a long legislative day of even a half an hour or more in these Chambers alone, partly because they are small, and we don't have the greatest of all ventilation, smoke does tend to hang. If all of you take a look toward the ceiling and you look around the perimeter of the ceiling you will see a phenomena that occurs very often in your own kitchen or your own living room. If you live in a home with a white ceiling you might notice some yellow tinting beginning to occur. That's not because of age as much as it is because of the cigarette smoke that is going up toward the top of the Chambers. Yet you know we prohibit, partly because of fire regulations, people in the gallery from smoking, nevertheless they're sitting there day-in and day-out sometimes not able to tolerate cigarette smoke but wanting to find out what is happening to their public body.

Today I passed on to you, from the New Hampshire Lung Association, a booklet dealing with Sidehand Smoke. I'd like to read to you one of the comments resulting from a number of studies that this booklet carries. This is not propaganda, it comes from the New Hampshire Lung Association, an organization affiliated nationally with the National Lung Association which is dedicated and committed toward trying to preserve our breathing environment. The New Hampshire Lung Association points out in this booklet "The fascinating fact is that sidestream smoke" (sidestream smoke is not that smoke which you as a smoker are inhaling because of smoking pipe, cigar, cigarette, tiparillo; sidestream smoke is what those of us who might not be smoking at that particular time, end up having to breath as your exhalant) the smoke from the burning end has higher concentrations of noxious carbon compounds than the mainstream smoke inhaled by the smoker. Some studies show that there is twice as much tar and nicotine in sidestream smoke as compared to the mainstream, and three times as much of a compound called three-four breznzine, which is suspected as a cancer-causing agent; five times as much carbon monoxide, which robs the blood of oxygen; and fifty times as much ammonia."

There is another Senator who is co-sponsor of this issue and as he talks in a couple of moments he might allude to some of his own physical difficulties. And sitting in the Chamber or in a room such as a committee room during which there is an amount of smoking, I just want to testify from a personal basis that I do have the effects of smoking even if there's only just one cigarette lighted on the other side of the room or on the other side of the Chamber. We so often during the legislative term, and I heard it used two years ago so sincerely by so many Senators, the term Senatorial courtesy, well I think that this does come down to an issue of a couple of Senators very sincerely and personally asking you to please, in fact I might even say that we're begging you, to please prohibit smoking during legislative sessions, at public hearings and committee rooms, and in the State Senate Chambers. None of us, none of you need to smoke, but all of us do have to breathe, and this is, and it's not I don't think overly dramatic, an issue as you've seen on the radio and television ads, a very important issue of life and breathe or death. And very often it has in the past come down to that. As additional testimony I suppose I could give you three or four hundred hours of tapes which have been recorded in these Chambers during the past couple of years. Very often after the Senate has been meeting for half an hour, not only those of us who are non-smokers but those of you who are smokers as well, have to cough in order to continue sitting in these Chambers. Those tapes and the journal clerks I'm sure can testify to this, are full of a number of coughs all during the legislative meetings that we have here. Part of the reason is because of the sidestream smoke. Again I think that this is an issue as well of our respect, the respect of twenty-four individuals toward the public who we invite to come and watch the Legislature, watch the Senate in session, and they have to sit in the biggest smoke-filled gallery of all in the entire State House. I don't think that that's the kind of respect that we ought to try to exhibit. Jack and I were two of many who teamed up several years ago in the House as we were both House members to prohibit smoking on the floor of the Legislative Chambers. Even though those Chambers are a lot larger, and even though they have fans trying to clear out the heat during the warmer spring months, without prohibiting smoking those Chambers very quickly build up and it harmed and bothered a number of people.

In closing I want to give you the testimony of a person who I respect probably more than any other politician I know. His name is Duke Maynard, he was a State Representative who served six terms in the House from Portsmouth. He was a heavy smoker, he ended up having throat cancer, and he had an operation to remove his voice box. After the operation he did return to the House and his final term was probably his greatest term in many respects, his most eloquent term. He used to have to use a small voice box machine to vibrate his vocal chords so that he could speak to the House. He passed away just over two years ago. During that final term in the House he spoke on the floor of the House a number of times supporting legislation that would provide for non-smoking rights. He would point out so many times, as I did a moment ago, that health is very precious and the ability to breath is not something that can be taken away. No one today has tried to suggest to you that anybody's rights to smoke be restricted whatever. I don't care who smokes almost wherever, but just not so that I end up having to breathe that smoke and might end up developing more serious health problems myself. I cherish my health and I want to maintain it. I think for a couple of Senators sakes in particular, but almost for the general public, you ought to support this legislation today.

SEN. LAMONTAGNE: I rise in opposition. I'm not a smoker but the Senator from the second district is a big smoker. As far as I'm concerned I've been sitting next to the Senator from the second district for many years and I find that the little smoke that he makes doesn't bother me at all. Now I feel that we are just a small body and I can't see why that Senators cannot smoke as they want to. I have been here for twenty-six years, starting my twenty-seventh year, and I haven't heard of anyone dying because of smoking. I feel that it is only fair and right that we let the individual smoke as they want to. That's all I've got to say, but I hope that the Senate will vote this down.

SEN. CHANDLER: I rise in support of the Rule change. I think that Sen. Splaine has stated the case very well and you have all probably made up your minds already so I'll be rather brief, but I would like to tell my own personal experience in this Chamber. For four years I've sat beside Sen. Spanos from Newport who smoked about twenty or twenty-five cigars a day.

It was so obnoxious to me that I couldn't stand it any longer so half the time I couldn't sit beside him and I went over and sat in a chair over there, to try to get away from all that cigar smoke. That was a number of years ago. About nine years ago I had a serious heart attack and was in the Concord Hospital for about twenty-five days and after I came out I had to go to a half-way house for another week before I went home. I wasn't able to drive an automobile for six months. I don't attribute it to Spanos's cigars but it did leave me in a state of health where it is very bad for me to breath smoke and it's injurious to my health. Now if you don't care anything about yourself or if you don't care anything about me, why you'll probably vote against this resolution. However, I would plead with you for some courtesy or some decency, as they did in the House to outlaw smoking. I figure it would improve the atmosphere in more ways than one here in the honorable Senate Chamber. Those who have to have the nicotine could possibly have a brief recess and they could go to another room, or they could step out for a few minutes and satisfy their craving. I think this is a serious matter, it's a matter of health as far as I'm concerned, and actually it's no good for anybody. The honorable Senator from Berlin says he doesn't smoke himself, I used to smoke but I gave it up years ago and I think that if more people were giving it up, I think the Senate itself should bring itself up into modern times when the smoking is decreasing among knowledgeable people. I hope that you will think this over very carefully before you vote and consider other Senators as well as yourself.

SEN. BROWN: I rise in opposition for the proposed change of the Rule. In so doing I do respect the two Senators rights and how they feel in relation to smoking. We are all honorable people here and I think we respect one another. I think we will all use judgment, we who smoke, I am one who smokes and you all know it. But I feel that if there is too much excessive smoke in this Chamber that we should respect each other and I think we respect their wish, but I don't think we need a Rule to do it.

Sen. Lamontagne moved the amendment be indefinitely postponed.

SEN. LAMONTAGNE: I would like to say to Senator Chandler that I do care for you and therefore the motion I'm

making certainly has no feelings at all against you or anyone else who feels that there should be restrictions on smoking in this Senate. But I personally feel that my motion is only to save time. We've had this resolution before, it's been referred to the Senate Rules and Resolutions, and has been reported inexpedient and therefore referring this matter again to the same committee with the same people on the committee, I still feel this is a waste of time. I think that we have more important things, especially the problems that we're facing with the deficit the State's in. There is a lot of time we're going to have to spend on that. So therefore I hope that the Senate will vote to save time by indefinitely postponing this resolution.

SEN. CHANDLER: I'd like to respectfully oppose the motion for indefinite postponement and I'd like to say that there are a lot of Senators in this Chamber who have never had a chance to vote on this proposal before. I realize it came up last time, it came up three or four sessions in the House before the House finally adopted it and I think that many here have never had opportunity to vote for it one way or the other. So I think we should decide it here today, this afternoon, so we'll know where we stand, so we'll know what we have to put up with or we'll know that we'll be able to enjoy the atmosphere without the smoke.

SEN. MONIER: I am asking this so that there is no confusion on the members part, is it correct that the motion made by Sen. Lamontagne is a proper motion and does mean that everyone will get a chance to vote on it. Am I correct?

PRESIDENT SANBORN: That is correct.

Sen. Blaisdell moved the previous question.

Adopted.

Roll Call requested by Sen. Splaine, seconded by Sen. Lessard.

The following senators voted yes: Lamontagne, Conley, Freese, Bergeron, Wiggins, Monier, Mann, Kelly, Sanborn, Brown, Roy.

The following senators voted no: Chandler, Blaisdell, Boyer, Rice, Podles, Stephen, Champagne, Lessard, Splaine.

11 yeas 9 nays

Adopted.

Recess.

Out of recess.

INTRODUCTION OF GUESTS

Sen. Bergeron spoke under Rule 44.

SEN. BERGERON: In an effort to continue to keep the members of the Senate and the general public informed as to what we perceive our financial situation, I would like to briefly go over the State's checkbook with the members of the Senate this afternoon.

You have all been handed out a sheet of paper which basically gives you your statement from the bank with your pluses and your minuses. Taking you to the left would be your balance brought forward for your unappropriated surplus. Now, one point of clarification that I have to make is these figures are subject to change from day to day as we are given updated figures. From that balance we have to make an adjustment of \$5,667,000 as result of our loss of federal revenue sharing funds leaving us with an estimated balance available as of last Friday, of \$4,667,000. That is a minus. Now present clarification, these figures were given to the Senate Finance Committee last Friday afternoon. So now that we find out what we have to expend, we go to the opposite side of the balance sheet and we're going to write some checks. The first check that we're going to write will be the Legislative Specials in the amount of \$1,000,000. The second check that we're going to write is for our handicapped education, again bearing in mind that these are figures as of last Friday afternoon. We have a deficit there of approximately \$3,000,000. At that time it was estimated that this was a fairly conservative estimate and subject to change. Then we go about our business and we continue to write checks and we write another one for our welfare programs to the tune of \$3,000,000. Continuing to write another check we write a

check in the amount of \$1,000,000 for the indigent defenders fund. So that when we total these four checks up that we've written, it's a grand total of \$8,000,000. Well, I'm writing checks against my income so I'm going to transfer back to the left side of my sheet and add in the \$8,000,000 that we've spent, which combined with the original estimate of available funds we estimate the balance available as of last Friday afternoon at -\$12,667,000. We are estimating our deficit position here. As I originally mentioned these figures are subject to change. It didn't take very long, as a matter of fact it took from Friday afternoon until yesterday for us to be informed that the handicapped education is down another \$3,000,000, so if I go back to my checkbook and increase the \$3,000,000 originally estimated and change that to \$6,000,000, dropping down through my sum of checks 1 through 4 now becomes \$11,000,000. My balance estimated available is now -\$15,667,000.

We feel that there is a definite problem and I don't think that anyone has to be particularly brilliant to agree with us. Furthermore we don't know from day to day what kind of additional figures will be given. As soon as we get them, and this is the purpose, I intend to periodically bring the members of the Senate up to date on exactly what our financial situation is. We expect to have additional requests for additional funding and the irony or part of the shame of the entire matter is here we are back here this year, expecting to go to work on the main business of the session and our deliberations on the budget for the next biennium, however, as all of you are aware, before we can do that we first have to resolve the inadequacies in the current budget. This in itself is bad enough, however, we also have been advised that the situation may worsen, and may worsen considerably. The bad news may be increased by an anticipated shortfall in several areas, but primarily in the business profits tax. They have not been plugged into these figures, we really don't have a good handle on the amount but it's estimated, we're talking in round numbers of \$4-6 million dollars. That ladies and gentlemen, is approximately where we are at the present time as we have been briefed by LBA. Again, as the figures change, I'll endeavor to bring you updated figures.

SEN. BLAISDELL: You spoke of handicapped education, did you talk about 1980 or 1981?

SEN. BERGERON: This is fiscal year 1981. In your check-book, you're legislative specials include another \$651,000 for handicapped education for fiscal year 1980.

SEN. BLAISDELL: What you were addressing was handicapped education fiscal year 1981, welfare fiscal year 1981, and also injured defender program, right?

SEN. BERGERON: Right.

SEN. BLAISDELL: Did they give you any briefing on where the welfare funds started? That's Title nineteen, isn't it Senator?

SEN. BERGERON: This is your medicaid.

SEN. BLAISDELL: This is for intermediate care facilities?

SEN. BERGERON: Yes.

SEN. BLAISDELL: Did they give you any idea why the increase came down from 12.9 million to say 3 million.

SEN. BERGERON: No, quite honestly Senator, we didn't get into those particular areas, what we asked for was a briefing on our financial picture as we sat there that afternoon.

SEN. BLAISDELL: When you talk about welfare you're really talking about the intermediate care facilities which is like nursing homes, and hospitals, and home health agencies and all the other providers. Do you have AFDC in there, old age assistance, aid to the disabled and also aid to the needy blind?

SEN. BERGERON: That should all be in there.

SEN. BLAISDELL: We did get briefed in the last session of the legislature when we came back that we would have a problem of shortfall in welfare of about 12.9. Is that Title 19?

SEN. BERGERON: Yes, that's true.

SEN. BLAISDELL: And that's down to about 3 million, right?

SEN. BERGERON: But you've had a supplemental appropriation in there also.

SEN. BLAISDELL: But that 5 million that you talk about didn't all go to Title 19, that went for other areas too.

SEN. BERGERON: That's right.

SEN. BLAISDELL: Did they also tell you, I think the Governor at one time last year, did he also have expenditures reduced by the departments to the tune of about 9.7 million or 10 million.

SEN. BERGERON: Senator, we did not address that particular aspect of it. The only thing we wanted to know was exactly where our monies were, what we were looking at, we didn't get

involved with whose responsible for what. The only question that was addressed was, and everyone felt very secure in the position knowing that, when the legislature originally passed their budget, two and a half years ago, or two years ago, they did it with the very best of knowledge available to them at the time and in a strong conscientious manner. And other than that, who's wrong, who's right, who's in between, who's going to do what, these particular questions weren't addressed there and I don't think at the time with what we were trying to accomplish we should have addressed them.

SEN. BLAISDELL: Did they brief you at all on the increased case load. It's been historic in the past three years that the case load over at welfare has been declining. Did they say anything about that.

SEN. BERGERON: They talked strictly dollars and cents.

SEN. BLAISDELL: They didn't mention that as of June they thought it would go back up.

SEN. BERGERON: This brief was strictly by LBA.

SEN. MONIER: Senator, is it not correct that when we received this briefing last Friday we specifically asked that we look for minimums? In short, minimums of what we expected might be put against our checkbook before we were done.

SEN. BERGERON: The two basic words that were used constantly in that conversation were minimum and conservative. And I don't know what they have to do with one another.

SEN. MONIER: Is it not correct Senator that the purpose for this is not as you have somewhat touched upon, is not for the express purpose of trying to say where or why an agency has this but merely, does it exist now so that we can deal with it now.

SEN. BERGERON: I tried to make that perfectly clear Senator, that our whole purpose was to find out how we stand, right now.

SEN. ROY: Was there any assessment of a shortfall in business profits tax?

SEN. BERGERON: Yes, there was. They are not included in the checkbook figures. The simple reason being that we don't really have a strong handle on it. It was estimated, again by LBA, somewhere in the vicinity of \$4 to \$6 million, they thought.

SEN. LESSARD: Could you give us a breakdown on the various legislative specials that are under number 1, please.

SEN. BERGERON: I'd be happy to Sen. Lessard, because as a matter of fact I'll start out with yours. In the supplemental appropriation request, handicapped education \$651,000; Supreme Court \$36,000; increase in the rental fee for state liquor stores \$208,000; State Prison \$55,000, and there's an item in there franchise fee return of approximately \$3,000; so the total is approximately \$1,000,000.

SEN. MONIER: Because we are trying to introduce a way so that the public and the Senate is kept abreast as we go along with this, we also should make it clear, should we not, that when we talk about legislative specials we don't necessarily mean they are already bills filed, we mean they are requested to be made or bills that are currently being drafted. Therefore that figure could be higher today but probably not lower.

SEN. BERGERON: I would doubt if it would be lower, it could be assumed that it would be higher as time goes on.

SEN. BLAISDELL: When all these things were put together before, it was on about a 9% inflation basis, I believe, right?

SEN. BERGERON: Now wait a minute, let's stick to the issue. You're going back into the budget two years ago. You can answer that better than I can. As I recall it I think you are correct.

SEN. BLAISDELL: Was anything talked about when they briefed you that maybe we're running at about 20% inflation now.

SEN. BERGERON: Well, that of course is a problem that everyone is facing. I don't know what you're getting at Senator, whether you're talking about some additional shortfalls in energy, in oil bills, in electric bills, is that what you're getting at?

SEN. BLAISDELL: I think I'm talking about some of the reasons for the shortfalls, when you predict something at 10% and then it comes in at 20% and then maybe goes back down to 12% there are some problems.

SEN. BERGERON: No, I can't dispute you, I cannot agree with you although I have my own feelings, because we didn't address that. I tried to make that clear three times.

Sen. Brown spoke under Rule 44.

SEN. BROWN: I was disappointed when the Governor, in his inaugural address, asked us to work together and then in the very next breath makes a personal attack on the nationally respected head of our Department of Employment Security.

There has been a move to oust Commissioner Adams almost every session that I have served in this body. Because of these attacks, there have been numerous investigations of the Department of Employment Security. Not once have they found any illegalities or mismanagement. I, along with many others, consider Commissioner Adams to be one of the state's best administrators. This present effort to oust the Commissioner is nothing more than a political vendetta because he will not play politics with his department.

The office of Commissioner of the Department of Employment Security was given life tenure to keep politics out of that department based on the same principle that judges were given life tenure. It has been said that the Commissioner of the Department of Employment Security is the only position in state government with life tenure, when in fact there are at least 23 positions that have indefinite terms.

I would like to quote two significant passages from the report of the Sunset Committee — First, “in general the Department of Employment Security seems to be among the most effective and efficient entities in New Hampshire state government.” Second — “That the Department of Employment Security has demonstrated a public need for its continued existence and that it operates, for the most part, in an exemplary manner.”

Sen. Lamontagne spoke under Rule 44.

SEN. LAMONTAGNE: I rise with harried concern about the veterans and widows of the veterans in the state of New Hampshire. Today I have met with Mr. Gurtin and I have found out that the Governor has refused to replace Mr. Nadeau from Nashua as a Veteran's Service Officer to serve the veterans and widows of this state. Right now we're down to a director and we have one member who is serving as a service officer. With the mileage that there is in New Hampshire, from north to south, east to west, there is quite a few veterans that need

assistance. I'm hoping that the Governor has just overlooked this but possibly the Governor does now know, how important it is for these service officers to work within the Veteran's Council. Right now the Council meets in Berlin on the third Wednesday of every month. I'd like to point out to you people that the Veteran's Council has taken over the duties of helping veterans. Twenty years ago when the Veterans Administration gave up the idea of going to different communities to take up the complaints and to help the widows and the veterans, whether it be getting them into a hospital, or working on their pensions, many, many veterans have received their pension because of the work that has been done by the Veterans Council. But now if one person is taken off and the person who is retired is not being replaced, it is certainly going to hurt the veterans and the widows, but not only the veterans and widows but also the taxpayers of the state of New Hampshire. This is how the taxpayers of New Hampshire are going to be hurt: because it means that there are a lot of services that have been given by the Veteran's Council that these people are not going to have any contacts and the things that they are going to do is just go to welfare. There are many, many cases that I can point out to you without any problem at all where there's been a savings because these people did not go to welfare and were able to take care of their families by the pensions they received. There are many veterans who don't know what they have and what belongs to them. Now these services have been given for over twenty-five years and I still feel that these services are needed. I'm hoping that the Governor didn't know, but in case the Governor didn't know the value of this Veteran's Council, I'm urging the veterans organizations who know what the service is, to contact the Governor of this state and point out to the Governor that he is making a mistake and that that position ought to be filled.

This is in reference to Benjamin Adams, the head of the Department of Employment Security. Here we have a department that has been operating, and operating well under his leadership. Let me point out to you that under Benjamin Adams supervision that New Hampshire is the only state in the whole country that did not have to borrow money from the federal government to pay the money due for unemployment. But you turn around and look and see how many cases, and I'm speaking about these cases because I've made the

request myself to Benjamin Adams and asked him to see what could be done about getting some of the benefits that are due from Massachusetts to New Hampshire residents, and therefore the Commissioner cooperated by making contacts with Massachusetts and was able to get these people their benefits that they really deserve. I can tell you that that department has been running, and has been running well. I have known Benjamin Adams for twenty-seven years. I met him while he was serving here in this Senate. I want you to know that this man has been on the level, he is an honest man, he has run his department well and I fail to see why anyone should interfere with a department that is running well and is not in a deficit. Now I think that the Governor has a problem, as well as we have. I can say that back in the last session we had a one-day recall in the month of May, and a recall in March. And why? Because it was necessary to introduce legislation to take care of budget deficits. We all know that the welfare department has been running in a deficit and has been mismanaged and it's all because of the staff which supervises the directors of the welfare. My gosh, if a director of welfare cannot run his business, then he ought to be replaced. But certainly not having a supervisor above the directors, to supervise an office, and this is going on in New Hampshire. Now this management, somebody wants to be the head of it. I feel that there's a problem and any department that's in a deficit ought to be investigated. There's no problem about that, I'm sure that you people are familiar with what I'm talking about. That's all I have to say and I personally feel that it's too bad to see that we have a department that's running well that's being attacked the way it's been attacked even before Governor Gallen was there. Right now it's even worse than it's ever been and it ought to be stopped.

Sen. Monier spoke under Rule 44.

SEN. MONIER: Last Thursday the state's citizens eagerly listened to the Governor's Inaugural Address looking for specific solutions to the *very real current budget problems*, as well as the next biennium fiscal needs we face, seeking from him a specific legislative program outlining how he proposes to find new revenues or cut our government costs, control an ever expanding bureaucracy, protect our people, stimulate our

economy and deal with very real problems such as the high cost of education, election law reform, and such other problems. Sadly, instead of solutions to these problems we heard instead an emotional appeal based on code words like "hazardous waste," "CWIP," "fuel surcharge," and a detailed continuation of personal vendetta against the head of a department.

One good excuse for the Governor not having a legislative program last session was due to his newness on the job. We waited all last session for a clear gubernatorial legislative program; the only program that finally came forth were claims of his success about bills his office carefully selected, after enactment, and checking their polls for citizen response. All through the campaign we waited for a definitive specific program of action for consideration. All that was forthcoming were code or buzz words and broad motherhood generalizations. There was deafening silence about fiscal short falls, forthcoming political rewards in appointments for supporters, and vindictive dismissals and opposition for those that didn't conform. This approach reminds me of the famous remarks of the former mayor of Boston, James Michael Curley, who once said, "There go my people, I must follow them because I am their leader."

Every elected legislator believes that he was elected to lead — not to follow. The Senate Majority Coalition intends to meet those responsibilities. When we hear voices they will not be the voices of political advisors such as Goltz and Duncan nor the voices of political cronies seeking jobs, they will be the voices of the working people of New Hampshire who cry out for elected officials who will help *solve the problems they face*, the problems of Joe Citizen.

We will not discuss the new biennium budget today, which is the biggest problem facing this legislature, we will wait for the Governor's budget message with the hopes that he will be offering specific cuts in government spending or if he chooses a plan to meet the ever spiraling bureaucratic demands placed on the back of our taxpaying citizens.

However, I would like to present, for our consideration, an AGENDA FOR 1981. It is divided into 7 categories. They are: Cutting Government Costs; Stimulating N.H. Economy; Controlling Bureaucracy; Protecting the People; Public Safety; Election Reform; and Education Concerns.

CUTTING GOVERNMENT COSTS

Many Americans strongly believe that our current economic mess is a result of too much government spending at every level. We share that viewpoint, we believe that the people of New Hampshire should have an opportunity to vote on a well-thought-out, well-researched constitutional amendment that will limit government spending at the state and local level. A program that will force each government body to re-examine their priorities and continue only those programs that can meet the test of cost effectiveness and real need. We shall propose such a program.

We will establish, in cooperation with New Hampshire business and industry, a loaned executive program to help us find ways and means to reduce the state budget, improve state operating efficiency and professionalize the management of state government.

We will propose legislation abolishing all state forms and regulations. This will force each agency to analyze and re-submit only those forms and regulations that are urgently needed for recertification. Similar programs have been implemented in the states of Kentucky and Virginia resulting in a dramatic reduction of over 1,000 government forms in a single agency.

We will submit legislation requiring all New Hampshire departments to submit to the comptroller, for his verification, a report on how much they spend on consultant services and why these projects cannot be done "in-house."

We will submit legislation similar to that enacted on a federal level prohibiting state agencies from spending over 25% in the last two months of the fiscal year and provide for quarterly budgeting estimates to reduce the last minute government spending just because the money is there.

We shall provide for a reform of the indigent defender program including a return of the fiscal controls to the legislative branch. The legal profession has shown they will not manage this program in a cost effective manner. It also represents a flagrant violation of separation of powers. It is particularly offensive since its basis lies in judicial opinions (legal profession) setting fees for those carrying out the opinions (also members of the legal profession) and with the inherent power to spend taxpayers' money — while *not* accountable to those taxpayers for their continuance in office.

STIMULATING NEW HAMPSHIRE ECONOMY

We will submit legislation establishing the counties of Coos, Grafton and Carroll as areas of our state that need economic re-vitalization. In these the business profit tax and, if approved on a local level, property taxes would be placed on a sliding scale to stimulate creation of new plants and expansion of existing employment opportunities.

We will set up a program where a Commission of Business and Industry leaders will identify for the legislature burdensome, duplicate, overlapping and contradictory state regulatory activities so that this legislature can determine which regulations can be simplified, which should be eliminated and which can be improved.

We will submit legislation requiring those agencies who submit new rules and regulations to demonstrate their economic impact through professionally accepted methodology and justify their conclusions as to why these rules are needed.

CONTROLLING BUREAUCRACY

We will memorialize Congress to refrain from withholding or withdrawing federal funds as a means of requiring the state or local community to implement federal policies. We will also ask Congress to refrain from legislative action in areas not specifically delegated to the federal government by the U.S. Constitution.

We will seek to amend the Administrative Procedures Act to require state agencies to submit proposed rules and procedures to the appropriate legislative committee before they can be implemented.

Amend the current law that prohibits public employees from striking by adding clear and tough provisions defining that sick outs and other subterfuges shall be strikes under this act. There should be severe mandatory daily fines for the unions and union officials who do not obey the law or who defy court orders. The law should prohibit the unions from paying fines levied against its members.

PROTECTING OUR PEOPLE

We have drafted legislation to finally correct our archaic insanity laws to prevent release of criminals who avoid respon-

sibility for their acts by pleading “not guilty by reason of insanity.”

We are considering a judicial sentencing disclosures act. Legislation requiring a complete public record of each judge’s sentencing history and requiring a comparison of sentencing for similar crimes by individual judges.

We will submit legislation removing the prohibition of publishing the names of juveniles charged with serious offenses. We will submit newly drafted legislation providing for mandatory sentences for drug pushers. We will propose legislation for increased penalties for crimes against senior citizens or handicapped individuals. We will endeavor to further increase penalties for the use of guns in the commission of a crime. We will propose a 30 day public notice of parole hearings in the area where the crime was committed and in the home area of the person seeking parole. We will propose a state-wide ban on drug paraphernalia shops to eliminate the need for each local community to establish this desirable legislation.

PUBLIC SAFETY

We will sponsor legislation similar to the Mississippi law that makes it a felony to trespass on any private or public nuclear plant, missile factory or tracking station.

We also propose legislation making it a class ‘A’ felony to publically declare intention to commit crimes which disrupt access to public property, private businesses or endangering public safety.

This proposed legislation also removes the Competing Harms Defense where the issue of competing harms has been defined by a deliberate legislative choice.

ELECTION REFORM

We will submit legislation limiting campaign financing in state elections to a per capita per potential voter.

We believe that carefully drawn legislation can *prohibit the spending of over \$1 million for statewide offices while still meeting the court guidelines.*

We will propose legislation to eliminate frivolous election recounts and to make certain that the cost of recounts is borne by the candidate — not by the state — unless the result is changed or the result is really close.

EDUCATION

We will support the so-called "Belt the Brats" legislation allowing teachers or principals to use corporal punishment in a reasonable manner against any pupil, for good cause, in order to maintain discipline and order in public schools. Each local school board shall adopt rules and regulations it determines necessary to implement and control the form of corporal punishment in their own school district.

We will propose legislation requiring instruction of at least one semester of the essentials and benefits of the productive free enterprise systems as a prerequisite for high school graduation.

Because of the decreasing level of scholastic aptitude testing across the nation and in New Hampshire and to meet the rising concern of parents and students with respect to the levels of achievement of our elementary and secondary school graduates, we will propose legislation requiring that all secondary students must be tested for proficiency in reading, writing, grammar, spelling and math before being granted a diploma. Further we will be considering the proposal of legislation requiring that teachers themselves, as a prerequisite for certification, pass a test demonstrating proficiency in basic reading, writing, grammar, spelling and mathematics in order to obtain teaching or school administration jobs in a N.H. tax supported public school system.

There you have it — a specific agenda to deal with some of the real basic problems facing New Hampshire in 1981 — not proposed to catch the ear through sensationalism — but to face up to the basic problems we all face.

We will be holding a press conference outlining in greater detail those measures being considered in our Agenda for 1981.

We seek the input and assistance of the Governor, the loyal opposition and the House of Representatives in refining these ideas so that the best possible solution to each of these concerns may best serve our common constituency.

The Senate Finance Committee has already initiated a state General Fund Checkbook Program to keep the citizens aware of our *current* critical fiscal short falls. We will continue to up-date and publicize changes to our "checkbook balance."

We sincerely hope that his Excellency the Governor will, in his forthcoming budget presentation, carefully *and in specific*

detail, address our budgeary condition for the next biennium. We urge him to provide a public program to deal with this years budget shortfalls which we now face.

We look forward to working together with all of the Senate and House to improve New Hampshire government for our people.

Recess.

Out of recess.

Sen. Monier in Chair.

APPOINTMENT

Sen. Champagne appointed to Centralized Data Processing Commission.

Sen. Brown moved that the business of the day being completed that the Senate recess to the call of the Chair, for the sole purpose of introduction of bills and that no further business would be transacted.

Adopted.

Recessed to call of the Chair, 2:45 p.m.

WEDNESDAY, JAN 21, 1981

Out of Recess.

INTRODUCTION OF SENATE BILLS

First and Second Reading and Referral

SB 11, recodifying RSA Title XX and relocating certain RSA chapters. (Sen. Poulsen, Dist. 2; Rep. Smith, Carr. 3; Rep. Wallace, Hills. 22; Sen. Bergeron, Dist. 6; Sen. Mann, Dist. 11; Sen. Lamontagne, Dist. 1 — To Transportation)

SB 22, relative to relocation payments as a result of persons displaced from their property for highway development. (Sen. Poulsen, Dist. 2; Sen. Bergeron, Dist. 6; Sen. Mann, Dist. 11 — To Transportation)

SB 23, relative to the definition of bicycle path or trail. (Sen. Poulsen, Dist. 2; Sen. Bergeron, Dist. 6; Sen. Mann, Dist. 11 — To Transportation)

SB 24, concerning eminent domain. (Sen. Poulsen, Dist. 2; Sen. Mann, Dist. 11; Sen. Bergeron, Dist. 6 — To Transportation)

SB 25, relative to financial reports required from candidates for public office. (Sen. Chandler, Dist. 7 — To Executive Departments)

SB 26, changing the basis of allocating county taxes to towns. (Sen. Wiggins, Dist. 8 — To Public Affairs)

Recessed to Call of the Chair, 3:40 p.m.

FRIDAY, JAN 30, 1981

Out of Recess, 1:40 p.m.

Sen. Sanborn in Chair.

INTRODUCTION OF SENATE BILLS

First and Second Reading and Referral

SB 27, to protect hospital patients' right to assign insurance benefits to hospital providers. (Sen. Preston, Dist. 23; Sen. Blaisdell, Dist. 10; Rep. Baybutt, Ches. 16; Sen. Bergeron, Dist 6 — To Insurance)

SB 28-FN, establishing special license plates for county commissioners. (Sen. Sanborn, Dist. 17 — To Transportation)

SB 29, limiting the campaign contributions which all New Hampshire candidates for local, county, or state office may accept. (Sen. Conley, Dist. 3; Sen. Monier, Dist. 9; Sen. Sanborn, Dist. 17; Sen. Roy, Dist. 22; Sen. Podles, Dist. 16; Sen. Lamontagne, Dist. 1; Sen. Brown, Dist. 19; Sen. Hough, Dist. 5; Sen. Bergeron, Dist. 6 — To Executive Departments)

SB 30, extending the degree granting authority of Hesser College. (Sen. Monier, Dist. 9; Sen. Podles, Dist. 16; Sen. Sanborn, Dist 17; Sen. Stephen, Dist. 18; Sen. Champagne, Dist 20 — To Education)

SB 31, allowing the housing finance agency to employ a

corporate trustee located within or outside of the state. (Sen. Brown, Dist. 19 – To Internal Affairs)

Recessed to Call of the Chair, 1:45 p.m.

Tuesday, Feb 3, 1981

Out of Recess.

Sen. Brown moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, and that when we adjourn, we adjourn to Tuesday, February 3, 1981 at 1:00 p.m.

Adopted.

LATE SESSION

Sen. Lamontagne moved to adjourn.

Adopted.

The Senate met at 1:00 p.m.

A quorum was present.

The prayer was offered by Sen. Chandler.

Our Heavenly Father, great architect of the universe and giver of all good, we ask Your guidance on what we do in this chamber today. Please permit us to do what is right in Thy sight. We ask this in Thy Holy Name.

Amen

Senator Kelly led the Pledge of Allegiance.

Sen. Poulsen was excused by the Chair.

INTRODUCTION OF GUESTS

COMMITTEE REPORTS

SB 15, an act extending the degree granting authority of Magdalen College. Ought to pass. Sen. Kelly for the committee.

SEN. KELLY: The Education Committee met regarding Magdalen College, extending its degree granting authority. Magdalen College being located in Bedford, New Hampshire, a four-year bachelor of arts college. The committee recommends ought to pass.

Adopted. Ordered to third reading.

SB 18, ensuring official representative of the state and United States armed services access to high school and college campuses. Ought to pass. Sen. Sanborn for the committee.

SEN. SANBORN: Basically all this bill does is allow the representatives of the armed services to wander around our high schools and colleges for the purposes of recruitment, much the same as private industry does now. There have been known cases in the state of New Hampshire where school boards have refused to allow the armed services to come before the school to try to recruit the senior class. Instead they have allowed people in all positions of the draft to come in and talk with the students in opposition to the draft and in opposition to the armed services. There are some that say that this bill isn't needed, I have my doubts on that, if we have schools that are doing that in the State of New Hampshire I think that their attitudes should be changed. I will answer any questions.

SEN. BLAISDELL: Can you name any specific schools that have banned this.

SEN. SANBORN: The high school in Conway has.

SEN. BLAISDELL: Is there any testimony against this piece of legislation, for instance, from school boards.

SEN. SANBORN: None whatsoever.

SEN. BLAISDELL: Would you consider this an infringement on home rule?

SEN. SANBORN: No I don't. As far as this is concerned, if they allow people to come in to encourage the students to go into different parts of industry, or to be opposed to our form of government in any way, shape or manner, such as the registration of the draft, I believe that definitely they should have just as many rights, the armed services, to come in and tell about the benefits they can give the students.

SEN. BLAISDELL: Would you believe that the Keene School Board refused the draft counselors to come in to our school be-

cause they thought it was not the proper approach? Would you believe that?

SEN. SANBORN: I can believe it.

SEN. BLAISDELL: You are saying there is only one school in this state that is allowing this?

SEN. SANBORN: I have heard that there are some other schools that have had problems with recruiters getting access to that school. But the Conway school, I happen to know is a fact.

SEN. BLAISDELL: Is there anyone from Conway, a Representative, or Senator, from that area who has contacted you?

SEN. SANBORN: People from Conway have contacted me.

Sen. Blaisdell moved that SB 18 be made a special order of business to be taken up at 1:01 on the next legislative session day.

Adopted.

SB 25, relative to financial reports required from candidates for public office. Ought to pass. Sen. Rice for the committee.

SEN. RICE: Senate Bill 25 was reported out of committee unanimously as ought to pass. This bill does not in any way change the criteria regarding who is going to file the report, it does not add or delete, it does not change the amount, the only thing that it does change is that it reduces the current six to four, it reduces by two times the number of times in which candidates or political committees must report during primary and general election campaigns. The committee heard no opposition to this bill from the Secretary of State's office. There was no one to testify in opposition to this bill.

Adopted. Ordered to third reading.

SB 16, to continue the existence of the planning and zoning study committee through the next biennium ending June 30, 1983. Ought to pass. Sen. Stephen for the committee.

SEN. STEPHEN: The committee met on this bill and voted ought to pass. There is no new appropriation on this bill.

Adopted. Ordered to third reading.

CACR 1, Relating to: the qualifications of senators and governor's councilors.

Providing that: the minimum age be lowered to the legal voting age. Inexpedient to legislate. Sen. Conley for the committee.

SEN. CONLEY: The committee met on this and had a full hearing. The vote in executive session was four to one against the bill, recommended inexpedient to legislate.

Sen. Splaine moved the words Ought to Pass with Amendment be substituted for Inexpedient to legislate.

SEN. SPLAINE: I attended the public hearing on CACR 1 submitted to reduce the age of running for State Senate and serving in this body from age 30 to the legal voting age, which is 18. Eighteen is the age at which a person may be a member of the House of Representatives. I simply ask a question, and that is, why not? Why not, if we're supposed to have a totally free with the House of Representatives, have a body in which the members can be 18 as in the House. In fact, if we were to compare the rights and obligations and actual powers of each of the members of the House and the Senate, if could be concluded that members of the House have higher responsibilities in some respects, particularly since they and they alone, not members of the Senate, can initiate and first vote for revenue measures. However, I realize that sometimes compromises are suggested or at least floated in order to pass legislation, so I am recommending to you passage of this amendment, which would put the age for being in the State Senate at 25. Again, I ask simply, why not? Why not have an age of 25 rather than 30 for being a member of the Senate, also for the Governor's Council? Last year, last November, people of this state had an opportunity to vote on whether or not to reduce the ages of running for Governor, Governor's Council, or State Senate to 18, the legal voting age. And that Constitutional Referendum was defeated at the polls. It had been placed there by the 1974 Con-Con. I can understand though a lot of people might not want to see the age for being Governor of this state of New Hampshire lowered to 18. I think a lot of voters of this state voted negatively at that time primarily because of that part of that Referendum. I think that by suggesting now that

we lower it simply to 25 for Governor's Council and for State Senate that we'd be taking a step toward allowing the voters in 1982 to be able to make their own judgment on those two particular offices. I think it's very logical. Again, I ask why not? I think sometimes we, as members of the State Senate, take ourselves a bit too seriously compared to the House, and technically you only have to be 25 in order to be a member of the United States Congress. I would assume that the collective wisdom of the House is at least equal to that of the collective wisdom of the State Senate. I did a few additions earlier today, trying to take some estimates on a couple of cases around this table, and my figure is that essentially there is in this room, in these Chambers right now, the collective wisdom of 1236 years, divided by 24, that would say that the average age of a member of the State Senate is just a little over 51 years. The average age of the United States Congress according to the Sergeant-at-Arms offices of Congress is 48. The average age of the United States Senate is 52. I think that we're generally in the same ball park, but not compared to that of the House. If we want to show equally between the House and the State Senate, and if we really do want to show the kind of cooperation that I think many of us talked about from time to time, and if we agree that people who are of voting age should be able to be drafted and in fact be in a situation at times to be held hostage. If we do agree that we should allow people of 18 to experience that age of majority, then I think that we should at least be wise enough to reduce the age of running for State Senate by five years, down to the age of 25. I sincerely hope that you vote in favor of the amendment, and then that we pass on to the House the CACR 1 as amended.

SEN. CONLEY: I rise in opposition to the amendment. We have nicknamed this bill in one form or another, the *deja vu* bill, we have seen it in this Senate on numerous occasions before, in one form or another. As a matter of fact, in 1975 this identical bill was introduced to reduce the age to 25, it has subsequently been tried to reduce the age to 18. The score at this point is, it has been killed in one form or another by the people, by vote. On two occasions it has been killed in this very body, on two other occasions by vote of the Senate. In its several forms which must pass the vote of the State of New Hampshire by 66-2/3, the closest it has come was in 1978 with a 48.2% of the vote, last year it was 38.5% of the

vote. I believe that the Senate has spoken in the past, I believe that the people of the State of New Hampshire have spoken eloquently in the past, and therefore I rise against the amendment for the defeat of the amendment.

SEN. ROY: Sen. Conley, isn't it a fact that the Senate President may replace the Governor when he is not available, or out of state?

SEN. CONLEY: That is true, Sen. Roy. It is also true that in its original form at age 18, the person who might be elected to the Senate might have to ask the principal of his school for time off to attend the Senate meetings.

SEN. ROY: I think my point is that if the Senate President, which could well be an individual of 25 years of age, but not thirty years of age as required for the Governorship, this would be a conflict.

SEN. CONLEY: That's true.

SEN. LESSARD: Could I inquire as to whether this particular legislation, CACR 1, in the form that is being presented with this amendment, has ever been before the voters? In other words, 25 years of age, has that ever been before the voters?

SEN. CONLEY: It was before, I don't know which but either the Senate or the voters in 1975, in that form.

SEN. SPLAINE: In 1975 I believe this was in front of the Senate as a House Bill, brought forward to the Senate from the House.

SEN. CONLEY: Whichever way, Sen. Splaine, it was killed.

SEN. SPLAINE: Is it not true, Sen. Conley, that in the instance of an 18 year old being a member of the House, which now can occur, that if a House Speaker was under the age of 30, and he or she ended up having the opportunity to succeed as Governor, that simply the next person in line which would in this case be the Secretary of State, after the President of the Senate, the Speaker of the House, then the Secretary of State would serve. So therefore, if a person is President of the Senate under the age of 30 and the constitutional requirement **stays at** 30 for Governor, that person simply would not serve, that it would go thus to the Speaker of the House.

SEN. CONLEY: If you say so, Sen. Splaine.

Roll Call requested by Senator Splaine. Seconded by Senator Lessard.

The following senators voted yes: Hough, Blaisdell, Mann, Boyer, Kelly, Rice, Lessard, Preston and Splaine.

The following senators voted no: Lamontagne, Conley, Freese, Bergeron, Chandler, Wiggins, Monier, Podles, Sanborn, Stephen, Brown, Champagne, and Roy.

9 Yeas 13 Nays

Amendment failed.

Senator Wiggins moved that CACR 1 be Indefinitely Postponed.

Adopted.

SB 17, an act repealing the countersignature provisions of the insurance laws relative to foreign insurance and surety companies. Ought to pass. Sen. Freese for the committee.

SEN. FREESE: This is primarily a housekeeping bill, and we had six testify at the hearing all in favor, and the committee voted unanimously that it ought to pass; however, since I entered the Senate Chambers this afternoon, I have learned that there is an amendment to this bill which I have looked over and, again, it is just a technical amendment. I would like to divert with the President's permission to Senator Champagne.

Sen. Champagne offered a floor amendment.

AMENDMENT TO SB 17

Amend the bill by striking out section 7 and inserting in place thereof the following:

7 Residence Requirement. Amend RSA 405:16 (supp) as amended by striking out said section and inserting in place thereof the following:

405:16 Residence. The agents of such insurance companies shall be residents of the state or residents in any other state granting similar licenses to residents of this state.

8 Effective Date. This act shall take effect upon its passage.

SEN. CHAMPAGNE: It is currently illegal for an insurance company chartered in the State of New Hampshire to write an insurance policy in New Hampshire using an agent who lives in another state. That statute was written into New Hampshire statutes back in 1899. These kinds of statutes were virtually in effect in all states. They have since been eliminated in 20 of the states and are on the way out in the rest of the states. The Insurance Commissioner has currently been sued for requiring such countersignatures in the State of New Hampshire. The Attorney General does not hold much hope for the State of New Hampshire winning that suit and has indicated that if the State of New Hampshire, in fact, loses the suit, it also loses attorney's fees. I can stand here and say that in all probability that this bill will save the State of New Hampshire a lot of money. There are various countersignature sections in the New Hampshire state laws and when the bill was drafted, one of the sections was forgotten and that is all the amendment that I have passed out this afternoon does — it eliminates one more countersignature requirement. It should have been in the original bill. This is housekeeping only.

SEN. SANBORN: Senator, so that I may understand this clearly, right now I have automobile insurance with Colonial Penn through the AARP, and before I can get the policy and pay it, they have to go through somebody in the State of New Hampshire, and it usually takes them about a month. Is this what this does — eliminates that middle man as it is in effect?

SEN. CHAMPAGNE: That is correct. What happens is that you go to AARP in Pennsylvania or wherever they are from. They will issue the policy, do all the work and send it to someone in New Hampshire to put his signature on it. That signature does not address the validity of the contract. It does not do anything but take care of the countersigning rule. That is all that it does.

SEN. SANBORN: It just eliminates that part.

SEN. CHAMPAGNE: You are eliminating that requirement.

SEN. CHAMPAGNE: It eliminates one other countersignature requirement which should have been put in the original bill, and the Attorney General and Insurance Commissioner tell me that they forgot to put that in when they drafted the bill. It does not do anything more than that.

Amendment Adopted. Ordered to third reading.

Sen. Conley in Chair.

SB 12, requiring a burial permit for fetuses aborted in the second or third trimester. Inexpedient to legislate. Sen. Roy for the committee.

SEN. ROY: Senate Bill 12 would have required a burial permit for fetuses aborted in the second or third trimester and also, the burial permit would have contained the name of the fetus. It was found in testimony that adequate provisions in regulations under RSA 126 permit the burial of second and third trimester fetuses if this is the desire of the parents. It was the unanimous decision to find the bill inexpedient to legislate by the committee.

Adopted.

SB 13, requiring that all abortions be performed in licensed hospitals. Inexpedient to legislate. Sen. Roy for the committee.

SEN. ROY: Senate Bill 13 would move a regulated and safe procedure into a hospital setting only. It would sorely tax the hospital's ability to meet the demand for the service. It would force hospitals to utilize for this service valuable beds, operating room time and nursing services needed now for the sick. All this is at a time when we are striving for optimal utilization of medical service. This bill would significantly add to medical costs at a time when we are struggling to contain them. This bill would create delays in obtaining the desired services thereby increasing the risks of the procedure (for instance, the longer the duration of gestation the greater the risk), waste of medical services, increase in medical costs, increase in the risk of injury. It was the unanimous decision of the committee that this bill be found inexpedient to legislate.

Adopted.

SB 14, requiring registration of all aborted fetuses with the bureau of vital records and health statistics. Inexpedient to legislate. Sen. Roy for the committee.

SEN. ROY: Senate Bill 14 would require registration, including the mother's name and father's, if known, of all aborted fetuses with the bureau of vital records and health statistics. The Senate might be interested to know that regulations under RSA 126 do require death reports of either induced or spontaneous death of a fetus that is 20 weeks or more or 350 grams or more, but it was again the unanimous opinion of the committee that this bill should be found inexpedient to legislate.

Adopted.

SB 20-FN, raising the rental rate chargeable to the state for the leasing of liquor merchandising facilities and making an appropriation therefor. Ought to pass. Sen. Chandler for the committee.

SEN. CHANDLER: This bill had an extensive hearing, and I have a great profusion of facts and figures and data which I do not believe you would want me to go through. Almost unanimously, the testimony was in favor of the bill. For many years the state Liquor Commission has been unable to pay more rent to the landlords because it was compelled by law to a certain figure. Over the years, the rates have been way out of line. One testimony was that in order to break even, a landlord should get between \$7.00 and \$10.00 a square foot; at the present time, he is getting \$1.80. One liquor store in my district reported to me that the rent received for the month of January was \$600 and the oil bill was \$1000 for that month. It does not go that way the year around; that was just one instance. The landlords are expected to provide the space, to provide the light, to provide the heat, to provide the plowing of the parking area. We had one fellow who came in that was the landlord of a hardware store in a shopping center, and he testified in favor of the bill because he felt that he and other tenants were subsidizing the rent of the state liquor store in that shopping center. He said that what the liquor store did not pay, the rest of the tenants had to pay. I do not actually recall that there was anyone against the bill. The Liquor Commission was there, and I do not believe anyone testified against it. I have a transcript of a hearing which does not indicate that there is any opposition. The vote of the committee was unanimous. This bill appropriates money for the remainder of this fiscal

year so that the landlords will be able to increase the rent from \$1.80 to \$3.60 which is still a very low rent. The only good feature for the tenants in the shopping areas is that sometimes the liquor store increases the traffic in the shopping center and draws more people there, so they are not too much opposed to having the liquor store pay a little bit less per square foot rent than they are paying; however, the \$1.80 is archaic, obsolete and really ridiculous as a figure. Even the \$3.60 is quite low, but they mostly would be satisfied with it. If the bill does not pass, the liquor commissioners would be required to stick to the \$1.80 rate, and then the landlords can no longer afford to let the liquor stores stay there. Several of them have said that they would have to move them out and put in another tenant who would probably pay \$8.00 or \$9.00 per square foot for the same space. In some cases that will happen and if it happens, the state would lose a good location and maybe have to go to some less desirable location to locate the store. The committee unanimously thought that this bill should pass; and if it is in the wisdom of the Senate today, it will go to the Finance Committee.

SEN. LAMONTAGNE: I rise in support of SB 20-FN, and the reason why I am very much in support is that I am hoping that the Senate is going to pass this bill because I believe it is very important for the Liquor Commission to be able to continue doing business in the areas where these liquor stores are located. To give you an example, in Berlin, because of the amount of rent, it was necessary for the property owner to give notice to the Liquor Commission to move off Pleasant Street. Pleasant Street had a large parking lot right in front of the liquor store. It was necessary to move, and it cost a lot of money to move the liquor store, and they moved on Main Street where there was no parking at all. Besides that, it was next to a fire station. You can see that they are not doing the business on Main Street as they were doing on Pleasant Street. What this bill does right now — there are about eight or nine stores, and their leases are expiring and, therefore, if the Liquor Commission is not given more money for rent, then these landlords are going to have to give the Liquor Commission a Notice to Move, and they are forced to move. The reason for it is that the property owners are not getting enough to be able to tolerate it, as Senator Chandler told you. The heat has more than doubled; there-

fore, under the lease they have, they cannot increase the rent. It is a must, if you want the Liquor Commission to continue bringing in the revenue than we certainly need some of the benefits we have in this bill.

SEN. SPLAINE: I'd like to register my opposition to this piece of legislation. From the first day that I heard that it was going to be introduced the entire concept of what to me amounted to a landlord profit bill, bothered me deeply. I would at least like to register my opposition to you and suggest that there must be some better way to be able to have the liquor commission acquire rental property for their operation. What it really comes down to is that we are sent here as representatives of the public as Senators and House members and we end up getting lobbied by landlords back home or by landlords at public hearings and testifying because of their P&L, profit and loss, statements or whatever else they might want to pass on to us, on their behalf. I don't think that's right. In the final analysis, liquor revenues are all revenues which can be used for the operation of the state. So we are talking about monies which are not going to end up being used on other priorities that we might, come June, feel that we would need. Imagine the scenario, and I think it's a very valid one, if I'm a landlord for a building that happens to have a liquor store, and I would like to see the money I get from the state liquor store commission increased, let's say five years from now. I certainly would pay particular attention to find out who my legislators are going to be. I might even, as a landlord, want to become very good friends with my local Senator, very good friends with my local Representatives, possibly even contribute to their campaigns to try to assure that when they do go to Concord they are going to support legislation that's going to increase the rent which I'm getting from the liquor commission. I present this scenario to you only to suggest that there must be, or there really ought to be, a better way to be able to set this entire structure up within the liquor commission; probably some sort of bidding procedure, negotiations procedure, something based on a true P&L statement rather than something based simply on what a landlord might say. I think all of us, anyone who's ever been in business realizes that any landlord, or anybody involved in business can put up expenses and say that he or she isn't making quite that kind of a margin of profit. I think that what Sen. Chandler said toward the end of his comments, hits home par-

ticularly to me, and that is that there is a desirous benefit for many shopping malls, shopping centers, shopping areas, possibly landlords, to have a liquor store located right next door. That in fact does increase traffic. It increases the amount of potential customers that a store could get. I think that alone can justify landlords for continuing to allow, in many cases, and does, the liquor stores to remain where they are. I know that the liquor commission said that it would cost something in the vicinity of \$35,000 to move an average liquor store, if the lease is up and they can't renew the lease, to move it someplace else. But I don't think that we would end up having to get to that step if the liquor commission would explore other alternatives. Certainly, I don't think, that allowing for legislation whenever it might come in, 1981, 1985, 1990, to put up the rate on request of the landlords is the way to do it. I think that Senate Bill 20-FN is a landlord profit bill and I really don't see any justification for voting in favor of it.

SEN. MANN: Senator, were you at the hearing?

SEN. SPLAINE: No, I was not.

SEN. MANN: Would you believe that an expert on this, such as yourself, maybe should attend the hearing on this and listen to the people?

SEN. SPLAINE: Senator Mann, I'm not suggesting that I am an expert, I'm suggesting that I'm here as a representative of District 24, expecting to vote on legislation which I don't see does any general public good. I presented my comments in that light, not that I have an immediate solution. I'm saying that there's got to be another procedure that would certainly make sense. I'm really concerned about the ability of landlords to be able to lobby and to get the Legislators to lobby on their behalf to put up profits. It really sort of surprises and perhaps even astounds me.

SEN. MANN: Senator Splaine, I just feel that if you were at the meeting, if you were there to listen to the testimony, talk to the commissioners and members of the committee, you'd have a greater in depth, to this particular bill.

SEN. SPLAINE: I assume this goes to Finance and the members of the Finance Committee would have had that opportunity.

SEN. LAMONTAGNE: Senator, are you aware that between now and July 1st that there are about eighty to ninety stores

that will be facing having to vacate the area they are now in. Are you aware of this?

SEN. SPLAINE: You made that comment earlier and I'll certainly believe you, yes.

SEN. LAMONTAGNE: Now you have mentioned about \$35,000 to move one store. I am telling you that it is between \$40,000 and \$55,000 to move. Now, times eight is how much?

SEN. SPLAINE: I realize the point you are trying to make, sir.

SEN. LAMONTAGNE: Are you aware at the same time that these stores have to relocate, that the State of New Hampshire would have to lose revenue?

SEN. SPLAINE: If they did have to relocate, if the landlord did decide to force relocation, the state would lose revenue, yes.

SEN. LAMONTAGNE: If the state is going to lose revenue then why is it that you are in opposition to this bill?

SEN. SPLAINE: Because I do not believe that this is the proper procedure to take on remuneration for landlords.

SEN. LAMONTAGNE: Do you feel that the property owners ought to lose money in order to keep the liquor stores there?

SEN. SPLAINE: I do not think that they do.

SEN. LAMONTAGNE: Would you like to be able to see some of the figures?

SEN. SPLAINE: I have seen several of the figures, and I realize the P&L statements can be handled in many different forms. I would like to suggest that one of the methods that could be used would be to pay for the space and have the state assume additional obligations such as heating and taking care of the electricity and the lights. That is the problem that several of the landlords say they now have.

SEN. LAMONTAGNE: So, in other words, you are not too up to date on what the operation of the liquor store is, are you?

SEN. SPLAINE: I am not saying I am an expert Senator. I am saying that to me this procedure of introducing legislation for the benefit of landlords, and I think that is what it really comes down to, is not the method that should be utilized by either the Liquor Commission or the General Court to remunerate, to pay back the landlords for services provided. I know it is going to pass, but I wanted to register my opposi-

tion, Senator, and I would assume that you are listening to me as much as I am listening to you.

SEN. SANBORN: Senator, are you aware that there is an unwritten rule that there shall be four liquor stores in the city of Manchester?

SEN. SPLAINE: I have not seen it in writing, but as a legislator from Manchester, you can be assumed to be correct.

SEN. SANBORN: Senator, are you aware that at the present there are only three stores, there is none on the west side of Manchester because they cannot find suitable space at \$1.80 square foot?

SEN. SPLAINE: If that is, Senator, the fact in Manchester, and I will certainly agree that it is if that is the way you testify to, and I know that others have said the same thing, then I certainly think there is another procedure — there must be — to buy proper rental space rather than the passage of legislation which opens all legislators up for the law being for landlords. I do not think that this is a very logical process to undertake.

Sen. Monier moved the previous question.

Adopted.

Adopted. Referred to Senate Finance Committee.

Sen. Monier moved an amendment to the Senate Rules.

SEN. MONIER: This addition is brought about by two things; one is the fiscal impact note legislation that was passed during the last session which requires that any legislative drafted bill down in Legislative Services has to have a fiscal note and must go to the LBA for that fiscal note to be written. Unfortunately, when we did that law, we did not set the procedures for it. The House passed in their record which was available to you before the last time they met — I am not sure of the date, but it was the time before this — that if drafting a request for a bill or a resolution has been filed with the Office of Legislative Services requiring the fiscal note, etc. , what it does is very simply this: You do not have to have all sponsors sign the bill before it goes for a legislative fiscal note — in short, before it goes to LBA to write the note. Currently, all sponsors have to sign it before it can go; then after they have completed the fiscal note and it comes back, all sponsors have to sign it again. What

it has done is create a kind of log jam — In the first place it is a dumb way to do business. I will be very frank about it. What we are doing with this rule which they have changed in the House and which I am asking that we add to our rules is saying very simply that once the bill is drafted, and the sponsor has indicated that he is satisfied with it, it is sent to LBA, the fiscal note is attached, it comes back, and at that time all people on the bill would sign the bill — one time and one time only. I think this rule is absolutely necessary, or we are going to have bills backed up, particularly when we come to things that have long fiscal notes on them. We have had three or four that we felt were ready to come except for that fiscal note. I urge your adoption of it; I urge you to accept the two-thirds vote on it, and I will answer any questions.

SEN. RICE: Senator Monier, on behalf of the city of Concord I drafted a legislation and encouraged the city delegation to co-sponsor that legislation, and we got hung up in that log jam waiting for every member of the city to sign that. I concur with the intent of this. I guess my one question to you, sir, is — The Senate rule indicates that a bill that we submit to Legislative Services can be forwarded from Legislative Services to the Legislative Budget Assistant (The LBA Office) without the consent of the sponsor or sponsors. Can we be assured, as with the bill I submitted on behalf of the city of Concord; at the time that the bill was submitted to Legislative Service, I did not think that it required a fiscal note nor did the people in Legislative Services; they subsequently found out that it did. If that occurs, and I think it is important, then at least the senator be notified that his legislation is going down for a fiscal note attached?

SEN. MONIER: That's a pretty long question, with a statement. Quite frankly, let's clear the air on that. You and I as sponsors or Senators have nothing to say about whether there's a legislative fiscal note on it or not. By the law that we passed, it is Legislative Services determination with LBA and in conjunction with them whether it requires it or not. So therefore, that's the silly process that's now ongoing, because it doesn't matter whether you or I think it needs a fiscal note, it's a matter of determination whether it needs a fiscal note or not. The thing that we ought to protect our integrity about is once that note's made, do you want to sign that bill? And that's what this allows you to do. It does not allow you to stop a fiscal note

if that determination is made by the agency that the law says makes the determination. The second part of it is to protect the confidentiality of it. Most of you may or may not be familiar with all the hanky-panky that goes on, not with Legislative Services, but with these bills. For example, part of the fiscal note states very frankly, and would have to, that if LBA needs assistance in data or something like that, it can go to an agency to get it. If you can't figure out how that can become a problem, whereby if your name is known on the bill or the title of the bill is known, et cetera, it leaks all over the place. And that's not their fault. One of the ways to help do this is to stop worrying about whether sponsors see it before you get a fiscal note or not. At the present time that's nothing more than just a stop-gap. I urge very strongly that we pass this, I think it does do exactly what you're saying Sen. Rice. I think it does protect our integrity. I'm not going to get into the confidentiality part, except that the law says they will be confidential. The penalty under fiscal notes is heavy.

SEN. RICE: Upon clarification I have no problem with this now, and I will support the Senate Rule change or the addition of the rule. I think the only point that I was trying to make is that once a Senator has been to Legislative Services and has drafted legislation, just subsequent to that we find out that a fiscal note is going to be required on that, and that that Senator is so notified that it has gone down for a note, and I guess that is a procedural issue more than it is a rule change.

SEN. MONIER: Yes, it certainly is. I can only answer that when you say when you go down and you look at the drafting that determination should have already been made. I don't think you can touch that one with a rule or a law.

PROPOSED SENATE RULE

46. If a drafting request for a bill or resolution has been filed with the office of legislative services requiring a fiscal note as provided in RSA 14:44-47, the substance or a draft of the proposal may be provided to the legislative budget assistant for preparation of the required fiscal note without the specific consent of the sponsor of the proposal, provided that the identity of the sponsor shall not be disclosed.

Amendment Adopted by necessary two-thirds vote.

Recess.
Out of Recess.

COMMITTEE OF CONFERENCE REPORT

COMMITTEE OF CONFERENCE REPORT ON HCR 1

The committee of conference to which was referred House Concurrent Resolution No. 1, adopting joint rules for the 1981 session, having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House, and concur with the House, and

That the Senate and House adopt the following new amendment to the resolution as so amended:

Amend the joint rules of the 1979 session by striking out rules 10, 12, 18, 19, 22 and 24 and inserting in place thereof the following:

10. Final action, excluding action on enrolled bills committee reports, shall be taken by each house on all bills and joint resolutions as follows:

(a) In the originating body:

(1) On those referred to the Ways and Means Committee which raise or affect statutes raising revenue, no later than the fifth Thursday in April (April 30).

(2) On those containing appropriations, including the so-called Budget Bill and Capital Budget Bill, no later than the first Thursday in May (May 7).

(3) On all others, no later than the fourth Thursday in April (April 23).

(b) In the non-originating body:

(1) On those referred to the Ways and Means Committee which raise or affect statutes raising revenue, no later than the fourth Thursday in May (May 28).

(2) On those containing appropriations including the so-called Budget Bill and Capital Budget Bill, no later than the second Monday in June (June 8).

(3) On all others, no later than the first Thursday in June (June 4).

All bills sent to the second body shall be reported from committee and voted on by the second body on or before the deadlines established in 10(b).

None of the above limitations shall apply to the supplemental budget bill. If any bill or joint resolution is sent to committees of conference further action may be taken subsequent to the above dates by the House and Senate.

(c) Both bodies shall take final action, including all committee of conference reports, excluding final action on any bill or joint resolution referred for interim study or action on enrolled bills committee reports, on the so-called Budget Bill and Capital Budget Bill not later than the third Thursday in June (June 18) and on all others no later than the third Wednesday in June (June 17).

(1) Reports of the Committee of Conference on the so-called Budget Bill and Capital Budget Bill shall be filed with the clerks of both bodies no later than 3:00 p.m. on the second Saturday in June (June 13) and on all others no later than 3:00 p.m. on the third Monday in June (June 15).

(2) The reports of the committee of conference on the so-called Budget Bill shall contain a balanced budget for the biennium.

(d) The so-called Budget Bill and Capital Budget Bill shall be submitted to the Governor for his signature no later than the third Friday in June (June 19), and all other bills no later than the third Thursday in June (June 18); and when each body adjourns it shall adjourn to the joint call of the President of the Senate and the Speaker of the House.

(1) The so-called Budget Bill shall be transmitted to the Governor within one hour of its receipt by the Secretary of State regardless of the actual time of day.

12. No bill, joint resolution, concurrent resolution or concurrent resolution amending the constitution shall be introduced in either body after the second Thursday in April (April 9).

(a) Before any deadline established for passage of bills from the first body, Rule 12 may be suspended by a three-fifths vote of the Rules Committee in either body.

(b) Subsequent to any deadline established for passage of bills from the first body, Rule 12 may be suspended by a three-fifths vote of both Rules Committees, voting separately. Any such legislation approved by the Rules Committees of both bodies shall be exempt from the deadlines established by joint rules except that final action on any such bill including action

on any reports of committees of conference, shall be taken no later than the third Wednesday in June (June 17) and any such bill shall be sent to the Governor for his signature no later than the third Thursday in June (June 18).

18. All hearings on a concurrent resolution proposing a constitutional amendment may be held jointly as provided under Joint Rule 14 by the appropriate standing committees of the Senate and House provided that in the event the resolution is amended in the first body and the second body chooses to have a second hearing this too may be joint. The committee vote on the resolution shall be by each committee, not by the committees jointly, and passage in final form shall be completed by both bodies not later than the first Thursday in June (June 4) of the calendar year in which the resolution was introduced. After said date in June no further action may be taken by either body on the resolution provided that if in the opinion of the attorney general or an advisory opinion from the supreme court states that, the form of the question in the resolution needs to be amended, the two bodies may amend the resolution in such particular only by affirmative vote of no less than three-fifths of the entire membership of each body taken on division or roll call vote. A motion to so amend shall be in order in either body, notwithstanding any other rule to the contrary, at any time prior to the prorogation of the assembly of that General Court.

19. Any bill making appropriation for the administration, operation and maintenance of any department or departments for each or any fiscal year of the biennium (the so-called Budget Bill) or a bill making general appropriations for the cost of land, public improvements and other capital outlays, itemized by specific projects or classes of projects of the same general character (the so-called Capital Budget Bill) shall be introduced into either the Senate or the House no later than the third Thursday in April (April 16).

22. Members of both houses may sponsor legislation jointly. Proposed legislation will be titled House Bill or Senate Bill according to the first named sponsor. On such jointly sponsored legislation, the approval of up to five House members and up to five Senators shall be sufficient for the introduction of any bill,

joint resolution, CACR, or bill of intent. If more than five House members and/or more than five Senators wish to be sponsors the first named House/Senate member on the bill shall determine the names of the four House/Senate co-sponsors whose signatures are required for introduction. Other House/Senate members may be added as co-sponsors by notifying their respective clerks prior to the date of the first public hearing on the proposal, and their names shall be recorded in the appropriate permanent journal of that session.

24. Consideration of all legislation introduced on or before July 1 shall be terminated at midnight on July 1, and any bill not passed by both bodies by this date and time shall be indefinitely postponed for the purposes of the 1981-82 regular session of the General Court. If after July 1 the two bodies of The General Court are called into session by joint action of the two presiding officers, any legislation considered shall be limited to matters not indefinitely postponed on or before July 1. Such new legislation may come before the General Court with the approval of three-fifths of the Rules Committees of both bodies, voting separately, or of two-thirds of the members of both bodies voting separately. Any new legislation so introduced shall be exempt from the joint rules for time limitations for action on legislation in both bodies and in any committee thereof.

Statement of Purpose and Intent

The 1981-82 session of the New Hampshire Senate and House of Representatives recognizes both its constitutionally provided rights and obligations as well as the fact that the programs and agencies to be reviewed under the New Hampshire "Sunset Act" (RSA 17-G) should be unequivocally assured that the subject review process is both endorsed and adopted by *this* session of the Legislature and that said process is constitutionally and procedurally proper. We fully realize that this process directly impacts the future existence and operations of a substantial number of state agencies and programs and, in the absence of the aforementioned assurances or the declarations and rules appearing below, the process could potentially be subject to challenge which, if successful, would throw the entire results of the Legislature's work and that of our state agencies and programs subject to Sunset into question.

Such a result would frustrate what we perceive to be a legitimate exercise of legislative authority. Therefore, the 1981-82 session of the New Hampshire Senate and House of Representatives declares the following:

We jointly endorse, accept and adopt the general principles, intent and procedures relating to the internal operations of the General Court for which RSA 17-G provides; and, further,

We recognize and herein rectify that, even in the face of the aforementioned endorsement and adoption, there exists a small class of legislative actions which, if followed in strictest adherence to the provisions of RSA 17-G, would result in an imbalanced legislative process which we abhor and which we believe does not best and fairly serve the government of New Hampshire, nor its people.

Therefore, we herein jointly exercise our constitutional right to set our own internal rules of proceedings to augment RSA 17-G so as to provide a legislative process which is constitutionally sound and which will expedite the business of "Sunset" so that all parties at interest may know where they stand.

Amend the Joint Rules by inserting after Joint Rule 24 the following new subdivision:

Joint Rules for RSA 17-G — Sunset Law

The following rules (25-29) apply specifically and only to "Sunset" legislation which has been introduced pursuant to RSA 17-G.

25. All "Sunset" bills shall originate in the House, and the computation of legislative days for the purposes of RSA 17-G shall be based upon the rate at which such days are tolled in the House. (This rule shall not otherwise restrict Joint Rule 23.)

26. In the processing of "Sunset" bills, no motion shall properly lie in either house which, if adopted, would have the effect of denying the other house its right to a negative as provided by the New Hampshire Constitution Part 2, Article 2.

27. All original "Sunset" hearings shall be jointly held by the House and Senate. (The provisions of this rule shall not restrict Joint Rule 14.)

28. Except insofar as Program Appropriation Units (PAU's) or state agencies are combined in a bill to effect a reorganization pursuant to RSA 17-G, no bill renewing a PAU or a state agency shall include more than one PAU or state agency.

Amendments which have the effect of renewing a PAU or a state agency shall be allowed only on bills described in the preceding paragraph.

29. In the event that there is any conflict between the procedural deadlines provided for in RSA 17-G and those provided for in the Joint Rules in their entirety, the most restrictive deadline shall apply.

Conferees on the Part of the Senate

Sen. Lamontagne, Dist. 1

Sen. Brown, Dist. 19

Sen. Monier, Dist. 9

Conferees on the Part of the House

Rep. Tucker, Sull. 4

Rep. Bosse, Hills. 1

Rep. French, Belk. 1

Rep. Spirou, Hills. 27

SEN. MONIER: Could I ask the Senators to look at a couple of things. You've got two or three documents in front of you and the quickest way to do this so that everybody follows it, is that if you look at the document that's in two columns. What this does is tell you what the changes are rule by rule. I can assure that the Legislative Services, the Clerk and myself have checked it and you have no problems that they do jive that way. If you look on the first page to make sure you're with us, there is not change in the Joint Rules. The reason I do that is because I would like to make a blank statement, there are in our Joint Rules today, twenty-four rules. They are shown to you on that column of listings, page one through eighteen. I would like to discuss this on this document and then the new document. If you would look carefully and just flip your pages, you will see that on page two there is no change, on page three no change, and so on. Your first change comes on page four, Rule 10. Now here's the point I want to make: Every change in this document that you are looking at

which is in the Committee of Conference are changes of dates only. Dates when we must pass over to the House, when they must pass them back to us, dates when appropriation bills have to be passed back and forth, etc. If you will look at Rule 10 for just a moment, you will see that under (1) statutes raising revenue, no later than the first Thursday in May, May 3rd. This year because of the calendar itself, on a daily basis, that date is stated as statutes raising revenue, no later than the fifth Thursday in April (April 30). The change is really in the date. All of those date changes here have been agreed upon between the House leadership and the Senate leadership, in no case do they change the total amount of time of actions to be taken on any of the statutes or any of the bills coming back, by more than one or two calendar days, depending on how the weekend falls and so forth. All these Rules changes, except Rule 22 which I will explain in a minute, have to do with date changes, including the change in the Statement of Purpose and Intent section, changing the reading from 1979-1980 to 1981-1982. If there are any questions about this, I would be glad to answer them right now.

Fine, if I may, let me go to Rule 22. I will read you what the Committee of Conference Report says and why we changed it. Rule 22 is an accommodation of the House, it does not really affect the Senate. The House has passed a rule in their particular rules which indicates a restriction to not more than five sponsors on a bill. They've also stated that anyone else who wishes to be listed as sponsor may do so at the time that the bill comes on the floor by notifying the Chair, and it will be read into the journal. Their reason for that is that they were having a lot of bills and many times in which they were getting a hundred signatures and they just couldn't get them signed up. I would not agree that the Senate is restricted. I don't care if twenty-four of us want to get on a bill, we can always find them. I can understand the House's problem. Therefore I did make one accommodation which really and frankly says on jointly sponsored bills, that are House bills, only five Senators will co-sponsor. That is literally what this change does in Rule 22. Are there any questions?

SEN. SPLAINE: What you are saying then is that any Senate originated bills may have more than five House sponsors?

SEN. MONIER: No, more than five House sponsors, no. That's their rule, we can have as many as we wish.

SEN. SPLAINE: Then the Senate originated this bill.

SEN. MONIER: Right. We're not restricting the Senate. We are accommodating the House, but on a House bill only five Senators will be on it.

SEN. MANN: Senator Monier, is that five on each side or a total of five?

SEN. MONIER: No, five on each side.

SEN. MANN: Thank you.

SEN. MONIER: If you have no further questions then I would like to move to the next issue which is in your Committee of Conference Report and that is the addition of Rule 25, 26, 27, 28 and 29. This is on page 8. On page 8, there is two exceptions to this, you will note that 25, 26, 27, 28 and 29 are all following a very simple little statement. The statement is the following rules (25-29) apply specifically and only to "Sunset" legislation which has been introduced pursuant to RSA 17-G. Let me take it one by one. Rule 25: All "Sunset" bills shall originate in the House, and the computation of legislative days for the purposes of RSA 17-G shall be based upon the rate at which such days are tolled in the House. (This rule shall not otherwise restrict Joint Rule 23.) Meaning it has no affect on what we've said on Joint Rules on Legislative Days. The reason for the Rule, as you well know the House and Senate may meet on different legislative days. In short, we have been in twice, I can't answer you how many they are in to. My point is they are not synonymous. The law under the "Sunset" law very clearly says, I believe, 40 legislative days. Therefore the question comes up as to who counts. I have agreed with them under this and ask for your acceptance of it, that we count their days rather than ours. Simply because they are the ones that are initiating the bills in the first place. Any question on that?

Rule 26: In the processing of "Sunset" bills, no motion shall properly lie in either house which, if adopted, would have the effect of denying the other house its right to a negative as provided by the New Hampshire Constitution Part 2, Article 2. This rule takes a little more explanation, but I think it can be made relatively simple. The law has allowed that all of the bills be initiated in the House. The law also has within it a provision that states: That if either House does not reinstate or restructure an agency, in short terminates an agency, then there shall be a Committee of Conference. Now that's protection, but the question really lies under procedures. There's all kinds of

manipulation that can be done with that. Somebody stands up in the House for any reason whatsoever, or in the Senate, and says he wishes to make a motion to indefinitely postpone, the Chair cannot refuse that motion because it's a part of our regular rules. But the other rules are that if you have an indefinite postponement, the other House does not deal with it for the rest of the legislative year, or legislative biennium, and secondly, the "Sunset" law also calls for an automatic Committee of Conference, you wouldn't have anything to confer with. If you don't have the bill and it's been indefinitely postponed, you can't have a Committee of Conference. So we are recommending the adoption of Rule 26 which simply says that for "Sunset" bills no motion shall properly lie in either House which if adopted would have the effect of denying the other House the right to act on a "Sunset" matter.

Rule 27: All original "Sunset" hearings shall be jointly held by the House and Senate. (The provisions of this rule shall not restrict Joint Rule 14.) The law says, literally, and it could be interpreted that way, that the Senate and the House will hold hearings on all legislation under the "Sunset" law or RSA 17-G. I talked to the Senate about this before, I got their consent. What we're going to do is appoint two Senators, at least two, in some cases more, to every standing House, and those appointments are joint hearings. This rule confirms that, so that later on down the line someone who's unhappy can't come in and say we didn't constitutionally do what the law says. Now we have because the constitutional allows both bodies of the General Court to establish their own Rules. Any questions?

Now I want to make sure you understand why the parentheses are there. If, for example, either this body or the House body should take some action in committee, and come out of the Joint Committee hearing in such a fashion that the Senate members wish to provide a different report, an opposite report, we do not wish to preclude this House or the House from holding another public hearing if they so desire.

Rule 28: Except insofar as Program Appropriation Units (PAU's) or state agencies are combined in a bill to effect a reorganization pursuant to RSA 17-G, no bill renewing a PAU or a state agency shall include more than one PAU or state agency.

Amendments which have the effect of renewing a PAU or a state agency shall be allowed only on bills described in the preceding paragraph.

The concern is, and I think it's mostly in the House simply because they're dealing with the problem right away, they want no Christmas trees. They have passed a rule of their own which is a House Rule which reads as follows: Amendments which have the effect of renewing a PAU or a state agency shall be allowed only on bills that refer directly to that state agency. In short, if an agency is terminated, restructured, or something else done to it, under its bill which is a PAU and somebody in the House wants to, they are not going to be allowed later or in the Senate to attach that to another bill. Those bills will be dealt with separately and the only amendments to them would deal directly with the PAU involved. No Christmas trees.

Rule 29: In the event that there is any conflict between the procedural deadlines provided for in RSA 17-G and those provided for in the Joint Rules in their entirety, the most restrictive deadline shall apply.

That's simply so that in case we miss a day or two somewhere we're not going to get caught up in the law.

I submit that all of these changes are now within the Committee of Conference Report which if adopted by the Senate allows us then to accept all of the changes that I have described in full.

SEN. BLAISDELL: On page 6 of the Committee of Conference Report and page 7. I see many references to 1980-81 session of the NH State Senate and House of Representatives. Should that be 1981-82 or is that something that I missed?

SEN. MONIER: I'm glad you brought this to my attention because I've been busy looking at three or four documents. If you remember this one that I went back to, which is correct here, evidently there is a typo here. Everyplace that it says 1980-81 it should read 1981-82. I would suggest that those are not substantive changes and that the enrolled bills could correct them. I think that kind of correction can be made on enrolled bills and I would so state. So the record should show that if we adopt these the enrolled bills under the Legislative Services should correct those to read 1981-82.

Adopted.

Sen. Monier in Chair.

HOUSE MESSAGE

HOUSE REQUESTS CONCURRENCE

HCR-2, inviting Chief Justice Grimes to address a joint convention of the General Court on the State of the Judiciary.

Senator Lamontagne moved adoption.
Adopted.

ANNOUNCEMENTS

Sen. Bergeron spoke under Rule 44.

SEN. BERGERON: I'd just like to bring the members of the Senate up to date on our pending fiscal matters as I promised you I would from time to time. On January 15 I reported to the Senate that the State's checkbook was at least \$15.6 million in the red. Today I have more bad news to report. That figure is now up to almost \$24 million. The \$15.6 million deficit I reported in January was the result of an initial deficit balance of \$4.6 million added to \$11 million requested by state departments for unpaid bills in the current fiscal year. We must now add to that \$15.6 million deficit figure some \$8 million in revenue shortfalls, funds which will not be available to the State of New Hampshire; \$2 million in the rooms and meals tax, and \$6 million projected for the business profits tax. I should emphasize here that the shortfall in the business profits tax is only an estimate and the final figures will not be available until early May. Variations are expected in other revenue areas but these are expected to balance each other out. To use our checkbook analysis, by June 30 we will be overdrawn by some \$12.6 million with \$11 million more in unpaid bills. These are just the problems we face for fiscal 1981. The 1981 shortfalls will be compounded in the budget for the next biennium. As I emphasized last month we must deal with these pressing inadequacies in the current budget before we can get down to the main business of this legislative session, a balanced budget for the next two years.

You were handed two different pieces of paper. One is again the State of New Hampshire general fund checkbook and you'll note the differences. The checks that we've written is an addi-

tional \$3 million for the handicapped children which brings the sum of our checks up to the current \$11 million. In addition to that we have to add to our checkbook stub the estimated revenue shortfalls of \$8 million, thus our checkbook balance estimated available for 1982 as of 2/2/81 of minus \$23,667,000. This was the situation as of noontime, I've been told as little as an hour ago that it may be a little worse than that.

The second sheet that was handed out, Ways and Means, Senator Blaisdell called a meeting of the Ways and Means Committee where we spoke with Charlie Connors and received some figures, he has since provided us with a tally sheet, a Report of the Unrestricted Revenues for the House Ways and Means Committee which in essence substantiates what we've been telling you. You notice the two main items, \$6 million in the business profits tax and actually they have forecasted \$2.622 million in the rooms and meals tax. The rest we feel at the present time will pretty much offset one another. Your deficiencies will be offset by the increased revenues. Again you have 1.223 million additional from the insurance department, the balance there we feel will be offset by the pros and cons. That's the situation as of right now. As we have updated figures I will be informing the members of the Senate.

SEN. LAMONTAGNE: Senator, you mentioned the unpaid bills. Have you any idea when some of the drug stores, the grocery stores, the doctors will be able to receive their checks for some of the merchandise and services that were given to them?

SEN. BERGERON: They were paid at the end of last week.

Sen. Lamontagne spoke under Rule 44.

SEN. LAMONTAGNE: As of yesterday at 1p.m. I've had more complaints at my home by calls that I've received from the Pleasant Street Drug Store, \$14,000 of back bills; Prince IGA, \$3,500; Rousseau's IGA, \$5,500. It was obvious to me that there was no word in any way at all that they were going to be receiving a check. I hope that by the statement that was made today that these people are going to receive a check because they can't stay in business with the welfare department owing so much in back bills. Now I can give you a longer list than that because I have others and somehow they are not receiving their money and I don't think it's right. There have

been some programs in these stores that were giving away baby food and certainly a lot of that baby food was given to people who could have bought the food themselves. So I think that it's really an expenditure that is really falling back and creating some of this deficit. At the same time for medicine. The young man who owns the drug store in Berlin is having a hard time because the welfare is not paying their bills. I think it ought to be corrected somehow.

Sen. Conley spoke under Rule 44.

SEN. CONLEY: I wish to thank you for the opportunity afforded me today to act as Presiding Officer of the Senate. Unless my facts are totally in error, this is the first occasion on which a member of the House or Senate confined to a wheelchair has ever been accorded the privilege of presiding over the business of either House. If my memory serves me correctly up until this time the House has been more readily equipped, albeit at more expense, to accommodate such a happening. However, it is in the Senate, through the good offices of President Monier and at substantial savings over the House which has accomplished this first in the history of the Legislature. I would therefore share with you all the sense of personal pleasure, the sense of accomplishment as a handicapped person, and a sense of humility at being accorded this privilege by this august body. Once again thank you Mr. President and members of the Senate.

Senator Brown moved that the rules of the Senate be so far suspended so as to allow all bills to be placed on third reading and final passage and that all titles be the same as adopted and that they be passed at the present time.

Adopted.

Third reading and Final Passage

SB 15, an act extending the degree granting authority of Magdalen College.

SB 25, relative to financial reports required from candidates for public office.

SB 16, to continue the existence of the planning and zoning study committee through the next biennium ending June 30, 1983.

SB 17, an act repealing the countersignature provisions of the insurance laws relative to foreign insurance and surety companies.

Adopted.

Sen. Brown moved that the work of the day being completed, that we recess to the Call of the Chair for the sole purpose of introduction of bills and that no other business will be transacted.

Adopted.

Adjourned to Call of Chair, 3:25 p.m.

SENATE STANDING COMMITTEES

BANKS

Sen. Poulsen, Chairman
Sen. Freese, Vice Chairman
Sen. Podles
Sen. Boyer
Sen. Hough

DEV., REC. & ENVIRONMENT

Sen. Wiggins, Chairman
Sen. Preston, Vice Chairman
Sen. Brown
Sen. Freese
Sen. Kelly

EDUCATION

Sen. Kelly, Chairman
Sen. Lessard, Vice Chairman
Sen. Hough
Sen. Blaisdell
Sen. Chandler

ENROLLED BILLS

Sen. Lamontagne, Chairman
Sen. Wiggins
Sen. Rice

EXECUTIVE DEPTS.

Sen. Conley, Chairman
Sen. Sanborn, Vice Chairman
Sen. Stephen
Sen. Rice

FINANCE

Sen. Monier, Chairman
Sen. Sanborn, Co-Chairman
Sen. Bergeron, Co-Chairman
Sen. Mann
Sen. Roy
Sen. Preston
Sen. Conley
Sen. Hough
Sen. Splaine

INSURANCE

Sen. Freese, Chairman
Sen. Bergeron, Vice Chairman
Sen. Blaisdell
Sen. Champagne
Sen. Roy

INTERNAL AFFAIRS

Sen. Brown, Chairman
Sen. Monier, Vice Chairman
Sen. Conley
Sen. Bergeron
Sen. Roy

INTERSTATE COOPERATION

Sen. Chandler, Chairman
Sen. Roy
Sen. Stephen

JOURNAL

Sen. Hough, Chairman
Sen. Preston
Sen. Sanborn

JUDICIARY

Sen. Champagne, Chairman
Sen. Chandler, Vice Chairman
Sen. Boyer
Sen. Splaine
Sen. Lessard

PUBLIC AFFAIRS

Sen. Podles, Chairman
Sen. Wiggins, Vice Chairman
Sen. Stephen
Sen. Boyer
Sen. Mann

PUBLIC INSTS, HEALTH & WELFARE

Sen. Roy, Chairman
Sen. Champagne, Vice Chairman
Sen. Podles,
Sen. Poulsen

RULES & RESOLUTIONS

Sen. Lamontagne, Chairman
Sen. Brown, Vice Chairman
Sen. Monier
Sen. Preston
Sen. Lessard

TRANSPORTATION

Sen. Mann, Chairman
Sen. Poulsen, Vice Chairman
Sen. Lamontagne
Sen. Rice
Sen. Splaine

WAYS & MEANS

Sen. Blaisdell, Chairman
Sen. Chandler, Vice Chairman
Sen. Freese
Sen. Bergeron
Sen. Kelly
Sen. Lamontagne

Thursday, Feb 5, 1981

Out of Recess.

Sen. Sanborn in the Chair.

Introduction of Senate Bills

Senator Lessard moved the following resolution:

Resolved, that in accordance with the list in the possession of the Clerk, Senate Bills 32, 33, 34, 35, 36, SCR1 and SCR2 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

SB 32, extending the degree granting authority of New England College. (Sen. Lessard, Dist. 21; Rep. Boucher, Rock. 3 – To Education)

SB 33, extending the degree granting authority of New Hampshire College. (Sen. Lessard, Dist. 21; Rep. Boucher, Rock. 3 – To Education)

SB 34, relative to the certification of gross truck weights in excess of 18,000 pounds. (Sen. Mann, Dist. 11 – To Transportation)

SB 35, prohibiting recaps and retreads on the steering axles of heavy trucks. (Sen. Lamontagne, Dist 1 – To Transportation)

SB 36, providing for 3-day hunting season for moose. (Sen. Lamontagne, Dist. 1 – To Development, Recreation and Environment)

SCR 1, a resolution in memory of former Governor Wesley Powell. (Sen. Lamontagne, Dist. 1)

SCR 2, establishing the New Hampshire bicentennial commission on the United States Constitution. (Sen. Sanborn, Dist. 17; Rep. King, Rock. 1; Rep. Levesque, Hills. 22 – To Executive Departments)

HOUSE MESSAGE

Introduction of House Bills

Senator Lessard moved the following resolution:

Resolved, that in accordance with the list in the possession of the Clerk, House Bills 5, 15, 17, and 20 shall be by this resolution read a first and second time by the therein listed titles, laid on the table and referred to the therein designated committees.

Adopted.

HB 5, authorizing the executive director of the fish and game department to continue establishing the deer season. To Development, Recreation, & Environment.

HB 15, adding the town of Hampton Falls to the list of coastal towns represented by the fish and game commission member from the coast. To Development, Recreation & Environment.

HB 17, making it illegal to take deer in the town of Lee, except as provided in RSA 208:3. To Development, Recreation & Environment.

HB 20, relative to the season for taking grouse. To Development, Recreation & Environment.

Recess to Call of the Chair, 2:05 p.m.

Out of Recess.

Sen. Brown moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, and that when we adjourn, we adjourn to Thursday, February 12, 1981 at 1:00 p.m.

Adopted.

LATE SESSION

Sen. Lamontagne moved to adjourn.

Adopted.

THURSDAY, FEB 12, 1981

The Senate met at 1:00 p.m.

A quorum was present.

The prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain:

Help us Lord to keep in step with the events of the present — ever preparing ourselves with Thy help, as we advance towards the future and all which it may contain.

Let us all work with diligence and pray for a justifiable solution to the economic situation which affects each and everyone of us in this state as well as the nation as a whole!

Hear and help us Lord, we humbly beseech Thee.

Amen

Senator Roy led the Pledge of Allegiance.

Senator Poulsen is excused for the day.

INTRODUCTION OF GUESTS

HOUSE MESSAGES

The House is ready to meet with the Honorable Senate at 1:30 p.m. in Joint Convention for the purpose of hearing the Governor's Budget Message.

HOUSE CONCURRENCE Committee of Conference Report

HCR 1, adopting Joint Rules for the 1981 session.

HOUSE REQUESTS CONCURRENCE

HCR 3, regarding contract negotiations between the state of New Hampshire and the State Employees Association.

Senator Lamontagne moved concurrence.
Adopted.

INTRODUCTION OF SENATE BILLS

Sen. Brown moved the following resolution:

Resolved, that in accordance with the list in the possession of the Clerk, Senate Bills 37 through 44 shall be by this resolution read a first and second time by the listed titles, laid on the table and referred to the therein designated committees.

Adopted.

SB 37, creating the crime of criminal declaration and eliminating the competing harms justification for certain situations. (Sen. Brown, Dist. 19; Sen. Monier, Dist. 9; Sen. Roy, Dist. 22; Sen. Kelly, Dist. 14; Sen. Lamontagne, Dist. 1; Sen. Bergeron, Dist. 6; Sen. Podles, Dist. 16; Sen. Sanborn, Dist. 17; Sen. Hough, Dist. 5; Rep. Felch, Rock. 11 — To Judiciary)

SB 38, relative to unlawful entry on premises where dangerous devices are kept. (Sen. Brown, Dist. 19; Sen. Monier, Dist. 9; Sen. Roy, Dist. 22; Sen. Kelly, Dist. 14; Sen. Lamontagne, Dist. 1; Sen. Bergeron, Dist. 6; Sen. Podles, Dist. 16; Sen. Sanborn, Dist. 17; Sen. Hough, Dist. 5; Rep. Felch, Rock. 11 — To Judiciary)

SB 39-FN, to repeal the interest and dividends tax. (Sen. Chandler, Dist. 7; Rep. Ingram, Sull. 9 — To Ways & Means)

SB 40-FN, removing the interest rate limitation on money borrowed by the city of Concord to aid its school districts. (Sen. Rice, Dist. 15; Rep. Holmes, Merr. 14; Rep. Dean, Merr. 15; Rep. Paire, Merr. 15; Rep. Stark, Merr. 16; Rep. Degnan, Merr. 17; Rep. O'Neill, Merr. 17; Rep. Smith, Merr. 18; Rep. Underwood, Merr. 18; Rep. Carroll, Merr. 19; Rep. Morse, Merr. 19; Rep. Sullivan, Merr. 20; Rep. Wallner, Merr. 20; Rep. Hanus, Merr. 21 — To Public Affairs)

SB 41-FN, authorizing the commitment of minors found delinquent to the youth development center or other appropriate detention facility. (Sen. Blaisdel, Dist. 10 — To Judiciary)

SB 42, extending the degree granting authority of McIntosh College. (Sen. Lessard, Dist. 21; Rep. Boucher, Rock. 3; Rep. Belhumeur, Straf. 21 — To Education)

SB 43-FN, making a capital appropriation for the Manchester access ramp project. (Sen. Champagne, Dist. 20; Sen. Stephen,

Dist. 18; Sen. Sanborn, Dist. 17; Sen. Monier, Dist. 9; Sen. Podles, Dist. 16 — To Finance (Capital Budget)

SB 44, relative to disclosure of security takeovers. (Sen. Champagne, Dist. 20 — To Insurance)

HOUSE MESSAGES

Introduction of House Bills

Sen. Brown moved the following resolution:

Resolved, that in accordance with the list in the possession of the Clerk, House Bills 38, 39, 43, 48, 6, 165-FN, 166-FN, 19-FN, 214-FN, 218-FN shall be by this resolution read a first and second time by the therein listed titles, laid on the table and referred to the therein designated committees.

Adopted.

HB 38, relative to the penalty for setting or having under control a set gun. (To Development, Recreation & Environment)

HB 39, relative to the penalty for the illegal use of light. (To Development, Recreation & Environment)

HB 43, relative to the electronic tracking and marking of wildlife. (To Development, Recreation & Environment)

HB 48, relative to reporting requirements for holders of special fish and game licenses. (To Development, Recreation & Environment)

HB 6, removing the \$25,000 property holding limitation of the Francetown Academy. (To Education)

HB 165-FN, relative to sunset review of the department of fish and game — administration and support. (To Development, Recreation & Environment)

HB 166-FN, relative to the sunset review of the fish and game department — law enforcement. (To Development, Recreation & Environment)

HB 19-FN, providing procedures to revoke approval of the standard dog control law. (To Executive Departments)

HB 214-FN, relative to sunset review of the board of claims. (To Finance)

HB 218-FN, relative to sunset reviews of secretary of state — legislative services. (To Executive Departments)

Senator Brown moved the following resolution:

Resolved that the rules of the Senate be so far suspended as to allow committee reports on Senate Bills No. 36, 30, 32, 33, 20-FN, 31, 21, 11 and House Bills No. 5, 15, 17, 20 and SCR 2 to be acted upon today with only one (1) Legislative days notice of Hearings and further that the rules of the Senate be suspended as to allow the holdings of hearings on SB No. 37-44 and HB No. 38, 39, 43, 48, 6, 19-FN, with only one (1) Legislative days notice.

Adopted.

Recess to Joint Convention with House.
Out of Recess.

ANNOUNCEMENT

HOUSE MESSAGE

Sunset Bills House made Inexpedient to Legislate
First and Second Reading and Referral

HB 131-FN, relative to sunset review of fruit marketing committee. (To Executive Departments)

HB 216-FN, relative to sunset review of secretary of state — administration. (To Executive Departments)

HB 217-FN, relative to sunset review of secretary of state — elections division. (To Executive Departments)

Senator Sanborn in Chair.

COMMITTEE REPORTS

SB 36, providing for 3-day hunting season for moose. Ought to pass. Senator Wiggins for the committee.

SEN. WIGGINS: We recommend this bill ought to pass.

SEN. BROWN: I rise in support of the committee report, ought to pass. This bill was approved by the Fish & Game

Committee as long as the director could set the date. This bill, two years ago, passed the Senate and the House killed it. They claim that the herd of moose is large enough that if the director set the date and did it according to the breeding season and so forth, that it shouldn't do any harm.

SEN. LAMONTAGNE: I rise in support of the committee report. I personally feel that this is a good bill. I think this is going to create a lot more interest in going hunting. Right now as you know the deer hunting, especially in the north part of New Hampshire, hasn't been too good. At the same time the business from tourists hasn't been too good either. So I think this bill is going to create some new interest and at the same time there is no danger of the herd being hurt. In the bill you will find the word may, and the word may means that if there happens to be a year that the director feel there shouldn't be a season, he would have the right to close the season without coming back to the Senate floor.

Adopted. Ordered to third reading.

HB 5, authorizing the executive director of the fish and game department to continue establishing the deer season. Ought to pass. Senator Wiggins for the committee.

SEN. WIGGINS: This is the same thing that happened two years ago, it gives the executive director the power to hold hearings around the state, get the consensus of the hunters and set the deer season. We recommend that this bill be passed and give the director the same power extended another two years.

Adopted. Ordered to third reading.

HB 15, adding the town of Hampton Falls to the list of coastal towns represented by the fish and game commission member from the coast. Ought to pass. Senator Brown for the committee.

SEN. BROWN: Two years ago we increased the Fish and Game Commission from ten members to eleven. The eleventh one was to cover and represent the seacoast area. Inadvertently the town of Hampton Falls was left out. Hampton Falls is definitely on the seacoast, as a matter of fact one of the islands

off the coast is in the town of Hampton Falls so therefore the town of Hampton Falls should be represented by that commissioner.

Adopted. Ordered to third reading.

HB 17, making it illegal to take deer in the town of Lee, except as provided in RSA 208:3. Ought to pass. Senator Wiggins for the committee.

SEN. WIGGINS: We heard testimony from the Selectwoman of Lee, we also heard testimony from Sen. Lessard. Due to the large number of developments and building going on in the town of Lee, we recommend that rifles be prohibited from use in the town of Lee, and shotguns and muskets with buckshot and ball be used to hunt deer. We viewed this with a jaundiced eye for a while and talked it over because this would begin to cut down on the number of towns that are open to rifle hunting but in view of the large number of houses being built down there they claim that some of the houses have been hit by rifle fire. We brought this bill before the Senate as an ought to pass.

Adopted. Ordered to third reading.

HB 20, relative to the season for taking grouse. Inexpedient to legislate. Senator Wiggins for the committee.

SEN. WIGGINS: This bill would change the grouse season again from October 1st to December 1st. Right now it is October 1st to January 1st. The committee in the House recommended October 1st to December 15th and after listening to testimony from biologists and the Fish and Game Department we voted to make this bill inexpedient to legislate and leave the season as it was from October 1st to January 1st.

Adopted.

SB 30, extending the degree granting authority of Hesser College. Ought to pass with amendment. Senator Kelly for the committee.

SEN. KELLY: The committee met in regard to extending the degree granting authority of Hesser College and recommended this ought to pass with the amendment. There was some question about keeping a closer view on the financial situation, with a possible management change in the next four or five years. The committee recommended ought to pass with amendment.

Amendment to SB 30

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Authority Extended. Amend 1967, 508:1 as amended by 1969, 551:1, 1971, 197:2, 1973, 73:1, 1975, 431:2, and 1977, 449:2 by striking out said section and inserting in place thereof the following:

508:1 Hesser College. Hesser College, formerly Hesser Business College, an educational institution conducted by Hesser, Inc., is hereby authorized to grant the degrees of associate in business science and associate in computer science until June 30, 1985, subject to the continuing approval of the post-secondary education commission.

Amendment adopted. Ordered to third reading.

SB 32, extending the degree granting authority of New England College. Ought to pass. Senator Kelly for the committee.

SEN. KELLY: The committee met regarding extending the degree granting authority of New England College and after some questioning there was no opposition and it was recommended ought to pass.

Adopted. Ordered to third reading.

SB 33, extending the degree granting authority of New Hampshire College. Ought to pass. Senator Kelly for the committee.

SEN. KELLY: The committee met regarding extending the degree granting authority of New Hampshire College, there was no opposition to this bill and we recommend it ought to pass.

Adopted. Ordered to third reading.

SCR 2, establishing the New Hampshire Bicentennial Commission on the United States Constitution. Ought to pass. Sen. Conley for the committee.

SEN. CONLEY: This is a very simple bill. What it does is establish in the State of New Hampshire the same kind of commission that is being established on the federal level. There is no money involved in it right now and it also takes into consideration the fact that New Hampshire was the ninth state, and the ratifying state of our Constitution and this commission as it will be constructed will include patriotic groups and others who are interested in the United States Constitution. For those who are concerned about the previous Bicentennial Committee set up in the state, that particular commission goes out of commission in 1983. So this will be an entirely new commission and will be handling an entirely different subject. We recommend its passage.

SEN. CHANDLER: Is there any appropriation?

SEN. CONLEY: No.

Adopted. Ordered to third reading.

SB 20-FN, raising the rental rate chargeable to the state for the leasing of liquor merchandising facilities and making an appropriation therefor. Ought to pass with amendment. Sen. Preston for the committee.

SEN. PRESTON: This bill was heard in the Senate last week, there was one dissenting vote. The only change in the amendment is the amount of dollars, from \$208,344.52 to \$187,939.85. This bill simply authorizes an increase in the rental rate be authorized for the state liquor commission to negotiate. The increase from the current \$1.80 to \$3.60 per square foot is unanimous and the report is ought to pass from the Senate Finance Committee.

Amendment to SB 20-FN

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Appropriation. The sum of \$187,939.85 is hereby appropriated for the purpose of allowing the state liquor commission to increase the rental rate it pays for the leasing of liquor merchandising facilities for the fiscal year ending June 30, 1981.

Amendment adopted. Ordered to third reading.

SB 31, an act allowing the housing finance agency to employ a corporate trustee located within or outside of the state. Ought to pass. Senator Brown for the committee.

SEN. BROWN: The bill refers to the housing finance agency in relation to trustees when we put out a bond issue. The present law states that we have to have an in-state bank. In 1976 when we put out our first bond issue we solicited banks in the State of New Hampshire and we found that we couldn't find one that had the sophisticated equipment or a computer that could handle it. So therefore we had to go to an outside bank that was able to handle it. By doing so we had to pay two fees, one to an in-state bank and one to the other. We would like to change the statute saying that we can have an outside bank, not necessarily a bank in New Hampshire. We would give it to a New Hampshire bank when and if they are qualified and can do it. The reason being, we are paying two fees, we would like to save that one fee and pass that savings on to the consumer so our interest rates would be lower when we give out mortgages or when we buy mortgages.

Adopted. Ordered to third reading.

SB 21, enabling cancer patients to obtain marijuana by prescription. Ought to pass with amendment. Senator Roy for the committee.

SEN. ROY: SB 21 as amended will enable an attending physician to prescribe cannabis type drugs to a patient who is receiving chemotherapy treatment for cancer. The prescriptions

can be filled only by a pharmacist who is located in a hospital. Marijuana is a cannabis-type drug. Further, a derivative of marijuana, THC, which is tetrahydrocannabinum has been available since October of 1980 in capsule form. This is to relieve severe nausea and vomiting in patients receiving anti-cancer drugs. The committee was unanimous in its decision to pass this to the Senate and recommends that the bill ought to pass with amendment.

SEN. SPLAINE: I should have spoken to you about this sooner but I noticed that it still has the sixty day effective passage clause. I wonder if there would be any problem in making this type of legislation effective upon passage?

SEN. ROY: I think you raise a very good point and certainly we could take that to the House committee for consideration.

Amendment to SB 21

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Authorization to Prescribe and Administer Cannabis. Amend RSA 318-B:10 by inserting after paragraph V the following new paragraph:

VI. Notwithstanding any other law to the contrary, an attending physician, in good faith and in the course of his professional practice only, may prescribe and administer cannabis-type drugs, or the attending physician may cause such drugs to be administered by a nurse or intern under his direction and supervision, to a patient who is receiving chemotherapy treatment for cancer.

2 Authorization to Sell Cannabis. Amend RSA 318-B:9 by inserting after paragraph VI the following new paragraph:

VII. A pharmacist employed by a pharmacy located in a hospital may sell cannabis-type drugs prescribed under RSA 318-B:10, VI, to any person upon the written prescription of an attending physician, provided it is properly executed, dated, and signed by the person prescribing on the day when issued and bears the full name and address of the patient for whom the drug is dispensed. The pharmacist filling the prescription shall write the date of filling and his own signature on the face of the prescription. The prescription shall be retained on file by the pharmacy in which it is filled for a period of 2 years so as to be

readily accessible for the inspection of any officers engaged in the enforcement of this chapter.

3 Effective Date. This act shall take effect 60 days after its passage.

Amendment Adopted. Ordered to third reading.

SB 11, an act recodifying RSA Title XX and relocating certain RSA Chapters. Ought to pass. Sen. Rice for the committee.

SEN. RICE: This bill does not change any current legislation. What it does is recodify all the RSA Title XX laws and reduces them from 52 chapters down to 11 chapters. The committee recommends ought to pass.

SEN. LAMONTAGNE: Sen. Poulsen and myself were appointed by the Senate to take part in this revision. We have spent almost a whole year in trying to make all these changes and going over all the chapters and everything. And as it has been reported by Sen. Rice the 52 chapters have been cut down to 11 chapters. Actually what we have done is we have taken a lot out of the 52 chapters and some of it was simplification. In other words what we have done is revised the whole 52 chapters and came out with the 11. You will find also that the index is more efficient than it was in the past because before under the 52 chapters if you started looking through the index it was very complicated. Right now under the 11 chapters you will find that if you want to look for something you will be able to find it without having any problem. I urge the passage as it is.

Adopted. Ordered to third reading.

SPECIAL ORDER OF BUSINESS

1:01 P.M.

SB 18, ensuring official representative of the state and United States armed services access to high school and college campuses. Ought to pass. Sen. Sanborn for the committee.

SEN. CONLEY: In the instance that we have a number of Senators who are interested in this bill absent I would move that we lay SB 18 on the table.

Senator Conley moved that SB 18 be laid on the table.
Adopted.

ANNOUNCEMENTS

The Senate will be in recess the week of February 23-27, 1981.

Senator Brown moved that the rules of the Senate be so far suspended so as to allow all bills to be placed on third reading and final passage and that all titles be the same as adopted and that they be passed at the present time.

Adopted.

Third Reading and Final Passage

SB 36, providing for 3-day hunting season for moose.

HB 5, authorizing the executive director of the fish and game department to continue establishing the deer season.

HB 15, adding the town of Hampton Falls to the list of coastal towns represented by the fish and game commission member from the coast.

HB 17, making it illegal to take deer in the town of Lee, except as provided in RSA 208:3.

SB 30, extending the degree granting authority of Hesser College.

SB 32, extending the degree granting authority of New England College.

SB 33, extending the degree granting authority of New Hampshire College.

SCR 2, establishing the New Hampshire Bicentennial Commission on the United States Constitution.

SB 20-FN, raising the rental rate chargeable to the state for the leasing of liquor merchandising facilities and making an appropriation therefor.

SB 31, an act allowing the housing finance agency to employ a corporate trustee within or outside of the state.

SB 21, enabling cancer patients to obtain marijuana by prescription.

SB 11, an act recodifying RSA Title XX and relocating certain RSA Chapters.

RESOLUTION

Senator Lamontagne moved adopted of SCR 1, Resolution in memory of Governor Wesley Powell.

Adopted.

Senator Lamontagne spoke under Rule 44.

SEN. LAMONTAGNE: You have probably heard what the Governor said today about this veterans department that he's cutting out. I'm very concerned about the veteran's council. The veteran's council which has been operating throughout the whole state of New Hampshire and been helping out veterans, helping the widows of veterans and at the same time I feel that these services have been given to the veterans and the widows of the veterans have been worthwhile for many citizens in this state. I'm only hoping that the veterans' organizations will start doing their homework and start seeing what is really happening to the services of their veterans. Somehow the promises that have been made, not only by the people of New Hampshire but even the people throughout the United States, when the voters were in the war a lot of promises were made. Well, I'm hoping that the veterans' organizations will start looking and seeing that again services are being taken away from them. I feel it's of great importance to have the veterans council continue the services to the veterans and widows of this state. I think it's very important. I wonder what's going to happen when a widow who's just lost her husband and at the same time she doesn't know what to do, I don't know where she's going to have to turn to. As much as I hate to admit that to this Senate that there are many different posts of veterans organizations who are not up to date with the laws as the veterans council was. This council was very helpful to the people up in my area and I know that the veterans council was also very valuable to your area as well. I'm only hoping that the veterans council will be able to ask the Governor to reconsider his decision. I don't think that that department is spending a great deal, especially when at this time they only have two members when they should have had three members on the staff to do the work throughout the whole State of New Hamp-

shire. I hope that somebody can get to the Governor and get him to reconsider.

Sen. Brown moved that the work of the day being completed, that we recess to the Call of the Chair for the sole purpose of introduction of bills and that no other business will be transacted.

Adopted.

Recessed to Call of the Chair, 3:26 p.m.

APPOINTMENTS FOR 1981-82

FISCAL COMMITTEE

Sen. Bergeron
Sen. Monier
Sen. Sanborn

LEGISLATIVE FACILITIES

Sen. Conley
Sen. Bergeron
Sen. Monier
Sen. Sanborn
Sen. Brown
Sen. Preston

LUCC

Sen. Lamontagne
Sen. Freese
Sen. Bergeron
Sen. Brown

SUNSET

Sen. Bergeron
Sen. Monier
Sen. Blaisdell
Sen. Brown
Sen. Preston

STATE COUNCIL ON AGING

Sen. Lamontagne

BANKS ADVISORY BOARD

Sen. Poulsen (Sen. Freese alternate)

NATIONAL GUARD SCHOLARSHIP FUND

Sen. Sanborn

STATE UNIVERSITY SYSTEM STUDY COMMITTEE

Sen. Conley

Sen. Wiggins

Sen. Lessard

DATA PROCESSING

Sen. Champagne

NEW HAMPSHIRE BOARD OF CLAIMS

Sen. Sanborn

YDC STUDY COMMITTEE

Sen. Podles

Sen. Stephen

Sen. Roy

EDUCATION COMMISSION OF THE STATES

Sen. Kelly

JOINT COMMITTEE ON ELDERLY AFFAIRS

Sen. Lamontagne

Sen. Roy

OFFICE SPACE STUDY COMMITTEE

Sen. Conley

Sen. Rice

Sen. Sanborn

NEW HAMPSHIRE COMMISSION ON CHILDREN & YOUTH

Sen. Splaine

HALF WAY HOUSE ADVISORY COMMITTEE

Sen. Roy

LEGISLATIVE HISTORICAL COMMITTEE

Sen. Monier

Sen. Brown

Sen. Preston

ADVISORY BUDGET CONTROL COMMITTEE

Sen. Bergeron

Sen. Monier

CIVIL DEFENSE ADVISORY COUNCIL

Sen. Lessard

JOINT LEGISLATIVE ORIENTATION

Sen. Monier

Sen. Blaisdell

Sen. Sanborn

NH CRIME COMMISSION

Sen. Monier

STATE WIDE WATER SUPPLY POLICY COMMITTEE

Sen. Chandler

Sen. Mann

Sen. Boyer

WORKMEN'S COMPENSATION ADVISORY COMMITTEE

Sen. Bergeron

HAZARDOUS MATERIAL TRANSPORTATION

ADVISORY BOARD

Sen. Brown

JOINT COMMITTEE ON EMPLOYMENT RELATIONS

Sen. Monier

Sen. Brown

Sen. Preston

Sen. Sanborn

Out of session 2:30 p.m.
Sen. Sanborn in the Chair.

HOUSE MESSAGE
Introduction of House Bills

Senator Lessard moved the following resolution:

Resolved, that in accordance with the list in the possession of the clerk, House Bills numbered 2 through 215-FN shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

HB 2, relative to criminal trespass on railroad property. (To Transportation).

HB 118-FN, relative to sunset review of the department of education — administration and support. (To Education — Chandler-Kelly)

HB 119-FN, relative to sunset review of the department of education — adult basic education. (To Education — Chandler-Kelly)

HB 120-FN, relative to sunset review of the department of education — financial aid to districts. (To Education — Chandler Kelly)

HB 121-FN, relative to sunset review of the department of education — veterans education service. (To Education — Kelly-Chandler)

HB 124-FN, relative to sunset review of the department of education — fire service training. (To Education — Kelly-Chandler)

HB 126-FN, relative to sunset review of the department of education — school nutrition. (To Education — Kelly-Chandler)

HB 128-FN, relative to sunset review of driver safety education. (To Education — Kelly-Chandler)

HB 176-FN, relative to sunset review of the office of legislative services. (To Judiciary — Chandler-Lessard)

HB 219-FN, relative to sunset review of the department of safety — administration and support. (To Transportation — Lamontagne-Poulsen)

HB 221-FN, relative to sunset review of the coordinator of highway safety. (To Transportation — Lamontagne-Poulsen)

HB 177-FN, relative to sunset review of office of legislative services — administrative procedures division. (To Internal Affairs — Brown-Monier)

HB 10, to protect agricultural operations from nuisance suits under certain circumstances. (To Development, Recreation and Environment)

HB 81-FN, providing for the disposal of personalty from state agency storage rooms. (To Public Affairs)

HB 84, relative to information sharing where arson is suspected. (To Public Affairs)

HB 30, to permit the New Hampshire transportation authority to make recommendations for railroad police appointments. (To Transportation)

HB 49, relative to the preparing of title applications by dealers making courtesy deliveries. (To Transportation)

HB 125-FN, relative to sunset review of the board of education — administrative division. (To Education — Kelly-Chandler)

HB 127-FN, relative to sunset review of the commission on the arts. (To Education — Kelly-Chandler)

HB 130-FN, relative to sunset review of advisory board for technical services — health area. (To Education — Kelly-Chandler)

HB 36, relative to the fine moneys collected for OHRV violations which are brought in by fish and game personnel. (To Development, Recreation & Environment)

HB 42, relative to the number of deer that may be taken in a season and limitations of taking. (To Development, Recreation & Environment)

HB 44, relative to the caging of live wild animals on exhibition. (To Development, Recreation & Environment)

HB 46, relative to the illegal sale or possession of seals for furs. (To Development, Recreation & Environment)

HB 47, relative to the nonresident license for the taking of small game animals and small game birds. (To Development, Recreation & Environment)

HB 172-FN, relative to sunset review of the department of education — manpower development and training. (To Education — Kelly-Chandler)

HB 174-FN, relative to sunset review of New Hampshire office of employment and training. (To Internal Affairs — Bergeron-Freese)

HB 175-FN, relative to the sunset review of the public employee labor relations board. (To Internal Affairs – Bergeron-Freese)

HB 203-FN, relative to sunset review of the Connecticut River Valley Flood Control Commission. (To Development, Recreation & Environment – Brown-Freese)

HB 204-FN, relative to sunset review of New England water pollution control commission. (To Development, Recreation & Environment – Brown-Freese)

HB 205-FN, relative to sunset review of Merrimack River Flood Control Commission. (To Development, Recreation & Environment – Brown-Freese)

HB 206-FN, relative to sunset review of state library – central library services. (To Public Institutions – Roy-Podles)

HB 207-FN, relative to sunset review of state library – community library services. (To Public Institutions – Roy-Podles)

HB 209-FN, relative to sunset review of the youth development center. (To Public Institutions – Roy-Podles)

HB 210-FN, relative to sunset review of Glenclyff home for the elderly. (To Public Institutions – Roy-Podles)

HB 211-FN, relative to sunset review of Laconia state school. (To Public Institutions – Roy-Podles)

HB 212-FN, relative to sunset review of New Hampshire hospital. (To Public Institution – Roy-Podles)

HB 213-FN, relative to sunset review of the veteran's home. (To Executive Departments – Monier-Sanborn)

HB 215-FN, relative to sunset review of state historical commission. (To Judiciary – Chandler-Lessard)

Sen. Lessard moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, and that when we adjourn, we adjourn to Thursday, February 19, 1981 at 1:00 p.m.

Adopted.

LATE SESSION

Sen. Lessard moved to adjourn, 2:40 p.m.

Adopted.

Thursday, Feb 19, 1981

The Senate met at 1:00 p.m.

A quorum was present.

Sen. Roy in the Chair.

The prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain:

We, Thank You Lord, for the gifts of those courageous men whom have lest us, their historic impressions, upon the United States of America. Namely, George Washington, father of our country and Abraham Lincoln, the Great Emancipator, whose birthdays we celebrated this month.

May we also have the strong convictions of these great men and face the tasks with the same integrity that has made us a United Nation!

Grant unto us Lord, the strength and wisdom to carry on in their footsteps.

Amen

Senator Freese led the Pledge of Allegiance.

Senator Bergeron was excused by the Chair.

INTRODUCTION OF GUESTS

Introduction of John Stabile, II newly elected Senator from district 12 by Sen. Monier.

Recess.

Out of recess.

Sen. Monier in the Chair.

COMMITTEE REPORTS

SB 43-FN, making a capital appropriation for the Manchester access ramp project. Ought to pass with amendment. Sen. Sanborn for the committee.

SEN. SANBORN: The amendment as proposed by the committee basically makes no great change except that it does indicate more fully that this will be on the north bound ramp

into Manchester, on I-293 to Granite Street. It puts a little provisal in there that the Mayor of Manchester and his Council will indicate to the Governor and Council that \$6,200,000 is being made available by the federal government for the changes that they need to make in the downtown section of the city. Those figures are for the bonding of the access ramp. That is all the amendment does. As you know there has been a great deal of discussion about the renovations of downtown Manchester. One of the things that a study, conducted by Wilbur Smith Associates, has found for the city of Manchester was that to do the Granite Street area, to rehabilitate it, that there should be an access to Granite Street from the Federick Everett highway. The city put up \$500,000 to do the design work and the rehabilitation study on this area, so you can see they really have an interest in this project. All they are asking for from the State of New Hampshire is, out of General Funds bonding, to provide the ramp, \$6,000,000. We have a good deal of paper from the city of Manchester that shows that the anticipated revenue back to the State of New Hampshire from Room & Meals Tax alone will pay the first \$6,000,000 off within about five years. We all know that with bond issues you've got the interest and so forth and so at the end of 20 years when this bond issue would be completed, and all paid off, the State would be still ahead of the game by \$30,000,000. That is basically from Room & Meals Tax from a new 250-300 room motel that is going to be constructed in the Granite Street area. They've looked at this now in two committees, we firmly believe that this is actually one of the few bond issues that we've seen come through that can show a definite payoff, and where the State will end up making money. Therefore we encourage the passage of SB 43-FN at this time.

SEN. PODLES: When the Everett Turnpike was built in 1958 there were no provisions for access from the turnpike to the downtown area. Our downtown has been hurt ever since. I urge you all to vote along with me on this ramp issue.

SEN. STEPHENS: I believe this is an urgent bill, the ramp access. We should look at it as an investment because of the revenues derived from the project that will occur once the ramp is put in. I think it is essential that we pass this bill.

Amendment to SB 43-FN

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Appropriation. The sum of \$6,000,000 is hereby appropriated to the department of public works and highways for the construction of a northbound access ramp in Manchester from route I-293 to Granite Street; provided that the city of Manchester shall certify to the governor and council that \$6,200,000 of federal money is available for the Granite Street redevelopment project.

Amendment adopted. Ordered to third reading.

HB 38, relative to the penalty for setting or having under control a set gun. Ought to pass. Sen. Wiggins for the committee.

SEN. WIGGINS: We held a hearing on this bill and all the bill does is to change the violation from a violation to a misdemeanor. It increases the penalty. A set gun is a very dangerous weapon. It is set on a path about eighteen inches above the ground so that anything going along the path will be shot. It can shoot the legs off a man or shoot an animal. We urge passage of this bill.

Adopted. Ordered to third reading.

Recess.

Out of recess.

Sen. Sanborn in the Chair.

HB 39, relative to the penalty for the illegal use of light. Ought to pass. Sen. Wiggins for the committee.

SEN. WIGGINS: This bill is to tighten up the use of light at night because in the fall we have a tremendous amount of deer jacked. Most of the hunters claim they are hunting raccoons. This bill would tighten it up so that you have to have a hunter with a shotgun or pistol or be actually hunting raccoons, you can't be out lighting up the fields to see how many deer are around. We recommend passage of this bill.

Adopted. Ordered to third reading.

HB 43, relative to the electronic tracking and marking of wildlife. Ought to pass. Sen. Wiggin for the committee.

SEN. WIGGINS: This bill would require written authority by the executive director before anyone outside of Fish and Game Department could tag any wildlife. Now the department itself is tagging wildlife and they would not be able to follow the transmitter of the animals they tag if we allow this to go on without permission of the director. We recommend passage of this bill and it would help with better management of electronic tracking of animals and birds.

Adopted. Ordered to third reading.

HB 48, relative to reporting requirements for holders of special fish and game licenses. Ought to pass. Sen. Wiggins for the committee.

SEN. WIGGINS: This bill affects only 43 license holders, taxidermists, manologists and teachers of manology, also public museums. When they get a new license they would have to file the report on the application for their license and this would help in the records they have in the department. We recommend passage of this bill.

Adopted. Ordered to third reading.

SB 42, extending the degree granting authority of McIntosh College. Ought to pass. Sen. Lessard for the committee.

SEN. LESSARD: McIntosh College offers an associate degree program in business. It's been in operation since 1965. The post-secondary education commission had a look at this school and reported it to be in good financial shape. The committee recommends this bill ought to pass.

Adopted. Ordered to third reading.

HB 6, removing the \$25,000 property holding limitation of the Francetown Academy. Ought to pass. Sen. Chandler for the committee.

SEN. CHANDLER: Francestown Academy was founded in 1819. At one time it was an academy for local students but it has long since ceased to operate as an academy and they still have money. They use the money to give to graduates of high school from Francestown to help them pay their tuition for higher education. The investments they have have grown over the years and so now the \$25,000 limit is not in keeping with the actual fact. They have a lot more money than that now and this bill would simply make it legal that they have more money. The committee was unanimous in recommending that the bill pass.

Adopted. Ordered to third reading.

SB 34, relative to the certification of gross truck weights in excess of 18,000 pounds. Ought to pass. Sen. Lamontagne for the committee.

SEN. LAMONTAGNE: What SB 34 does is repeal the gross weight of 18,000 pounds for trucks which went into effect July 1, 1977. Right now its pretty hard for the Motor Vehicle Department to enforce the law because the same truck has been taken by many people to special places to reinforce the springs to reinforce the frame and replace the tires with heavier tires. This truck can do the same job very well and is very safe and this is why it is hard for the Motor Vehicle to enforce the law.

Adopted. Ordered to third reading.

Recess.

Out of recess.

Sen. Monier in the Chair.

ENROLLED BILLS REPORT

HB 5, authorizing the executive director of the fish and game department to continue establishing the deer season.

HB 15, adding the town of Hampton Falls to the list of coastal towns represented by the fish and game commission member from the coast.

HB 17, making it illegal to take deer in the town of Lee, except as provided in RSA 208:3.

Senator Lamontagne for the committee.

HOUSE MESSAGE

Sunset Bills House made Inexpedient to Legislate
First and second reading and referral

HB 222-FN, relative to sunset review of off highway vehicle safety. Referred to Development, Recreation & Environment.

HB 132-FN, relative to sunset review of standardbred breeders and owners development agency. Referred to Development, Recreation & Environment.

HOUSE REQUESTS CONCURRENCE

First and Second Reading

HB 72-FN, making employees of Lamprey regional solid waste cooperative eligible for social security benefits.

Sen. Preston moved the rules of the Senate be suspended to dispense with the referral, the holding of a hearing, and the bill be placed on second reading at the present time.

SEN. PRESTON: By agreement of twelve participating towns legalized in 1979 this bill refers to the Lamprey regional solid waste cooperative which is a joint venture amongst twelve communities in the seacoast area for solid waste disposal. Under the law it's a violation of state law to collect social security benefits and the federal government refuses to receive them at the present time. The twelve participating towns in this cooperative will increase their expenditures as the cooperative must contribute annually for its employees to join the federal social security program. The amount contributed by the towns will represent their 6.65% increase in employees gross wages and place these people under social security. There is no effect on state or county funds and this was acted upon expeditiously in the House this afternoon and we have been requested to move it right along today so that these employees will be covered by the program.

SEN. CONLEY: Senator Preston, were these people under any retirement program?

SEN. PRESTON: Not to my knowledge and I understand that as a regional cooperative there is a strange little sub-government out here that doesn't allow the federal government to accept, it violates the state laws. To my knowledge they are not under any other program.

SEN. CONLEY: In other words this allows them to participate in a retirement program other than the state retirement program.

SEN. PRESTON: It places them under social security coverage. That's all it does.

SEN. CONLEY: Otherwise their only alternative would be state retirement?

SEN. SCANLON: Yes.

SEN. SANBORN: Senator, it seems strange to me that someone hasn't picked up this business of social security before. There is someone in Health & Welfare, that the state pays out of general funds, that all he does is pester the hell out of towns because they don't cover everybody, including the librarian who's only getting a couple of hundred dollars a year, by social security. Why has there been a delay here?

SEN. PRESTON: Senator, I agree with your affirmative interrogatory.

SEN. BROWN: I rise in support of the passage of this bill and the suspension of rules. The plant is in operation. As Senator Preston has stated there are numerous towns and no one town could pick up the tab and pay it. It's got to be a cooperative and it's got to be protected by social security. The plant is in operation and they are working there and I think it is certainly a must.

Adopted.

Sen. Preston moved HB 72-FN pass.

Adopted. Ordered to third reading.

Sen. Preston spoke under Rule 44.

SEN. PRESTON: I would also like to acknowledge that it's nice to see Sen. Poulsen today.

A week ago Governor Gallen submitted his proposal for a new fiscal program to the Legislature. While I'm sure there may be particular parts of that program that each of us as individuals might disagree with, and I'm one of those, we should not lose sight of the fact that if implemented in total the Governor's proposals, with respect to the operating budget, would insure a balanced budget at the end of this biennium, and a balanced budget for the next two years. This week the advisory budget control committee has indicated that it will not adopt the Governor's recommendations that he has made for budget cuts for the balance of this fiscal year. Further, the chairman of the appropriations and finance committees have publicly indicated that they do not believe the full Legislature should adopt these either, rather that we should carry a portion of the projected budget deficit into the next biennium and seek a balance for the end of that two year period by making further cuts in the budget beyond those which the Governor has proposed for the next two years. We need cooperation on all of this process and I am sure that if this is the road which the majority leadership wishes to follow then ultimately we will all work together to accomplish this. But I do think two points should be kept in mind: First, this proposal is going to mean even more difficult decisions for the next two year budget. My office, as you know, is just around the corner from Room 100 where the appropriations committee has been holding hearings for the last week and I can assure you that the department heads and other individuals have been coming to those hearings to respond to the Governor's proposed cuts have not been offering ideas for even further cuts, rather they have lobbied intensely for restoration of funding of various programs. The pressure on all of us, in both Houses of the Legislature, is going to be intense. If we are going to cut the budget even further then we must be willing to resist pressures from some sides. I for one call upon state agencies to do more than simply come in and ask for additional money. I urge state department heads to instead offer proposals for how they should reshuffle the level of appropriation which the Governor has recommended for them, if in fact they do not agree with the priorities he has indicated. The second point which I think should be remembered, not just in the next several months as the budget is developed, but over the next two years is that true to his word Governor Gallen did offer his program which

would insure a balanced budget for the biennium and for the next two years. This is especially important to remember as we move eventually into another election year. The Governor cannot implement that program alone and if the Legislature is going to choose a different course then let's work towards it without our political motivations personally. As we go about that work no one should forget that once again, just as he did a year ago, the Governor offered his proposals for a balanced budget for New Hampshire. I am sure that many of us will not agree with specific portions of the Governor's proposal but therefore we should feel that our responsibilities to come forth with alternatives that allow us to live within the budget in the upcoming biennium and not attempt to make personal political hay out of any shortages.

Sen. Brown moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills ordered to third reading be read a third time by this resolution and that all titles be the same as adopted, and that they be passed at the present time and that when we adjourn, we adjourn until March 3, 1981 at 1:00 p.m., but with the provision that the President of the Senate be authorized to introduce bills for referral and printing.

Adopted.

LATE SESSION

Third reading and final passage

SB 43-FN, making a capital appropriation for the Manchester access ramp project.

HB 38, relative to the penalty for setting or having under control a set gun.

HB 39, relative to the penalty for the illegal use of light.

HB 43, relative to the electronic tracking and marking of wildlife.

HB 48, relative to reporting requirements for holders of special fish and game licenses.

SB 42, extending the degree granting authority of McIntosh College.

HB 6, removing the \$25,000 property holding limitation of the Francestown Academy.

SB 34, relative to the certification of gross truck weights in excess of 18,000 pounds.

HB 72-FN, making employees of Lamprey regional solid waste cooperative eligible for social security benefits.

Adopted.

Sen. Roy moved the Senate adjourn at 2:45 p.m.

Adopted.

Tuesday, March 3, 1981

Sen. Sanborn in the Chair.

Introduction of Senate Bills

Senator Brown moved the following resolution:

Resolved, that in accordance with the list in the possession of the Clerk, Senate Bills 45-FN, 46-FN, 47-FN, 48, 49, 50, 51, and CACR3 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

SB 45-FN, to establish a committee to study the Route 12 by-pass proposal in the city of Keene. (Sen. Blaisdell, Dist. 10; Rep. Baybutt, Ches. 16 — To Transportation)

SB 46-FN, relative to the regulation of lobbyists. (Sen. Preston, Dist. 23; Sen. Lessard, Dist. 21 — To Internal Affairs)

SB 47-FN, relative to election recounts. (Sen. Conley, Dist. 3; Sen. Podles, Dist. 16; Sen. Monier, Dist. 9; Sen. Sanborn, Dist. 17; Sen. Roy, Dist. 22; Sen. Kelly, Dist. 14; Sen. Freese, Dist. 4; Sen. Brown, Dist. 19; Rep. Kashulines, Hills. 14 — To Executive Departments)

SB 48, providing mandatory extended sentences for persons convicted of crimes against the elderly or handicapped. (Sen. Roy, Dist. 22; Sen. Podles, Dist. 16; Sen. Kelly, Dist. 14; Sen. Brown, Dist. 19; Sen. Conley, Dist. 3; Sen. Lamontagne, Dist. 1; Sen. Sanborn, Dist. 17; Sen. Monier, Dist. 9; Sen. Bergeron,

Dist. 6; Sen. Stephen, Dist. 18; Sen. Champagne, Dist. 20; Sen. Stabile II, Dist. 12 — To Judiciary)

SB 49, relative to sentences for the felonious use of firearms. (Sen. Monier, Dist. 9; Sen. Kelly, Dist. 14; Sen. Mann, Dist. 11; Sen. Conley, Dist. 3; Sen. Bergeron, Dist. 6; Sen. Roy, Dist. 22; Sen. Sanborn, Dist. 17; Sen. Podles, Dist. 16; Sen. Stephen, Dist. 18; Sen. Stabile II, Dist. 12 — To Judiciary)

SB 50, allowing political parties to set their own rules for choosing candidates to fill state senate vacancies. (Sen. Monier, Dist. 9; Sen. Sanborn, Dist. 17; Sen. Conley, Dist. 3; Rep. E. Wheeler, Hills. 11; Rep. K. Wheeler, Hills. 11 — To Executive Departments)

SB 51, relative to insanity in criminal and civil proceedings. (Sen. Sanborn, Dist. 17; Sen. Monier, Dist. 9; Rep. Bosse, Hills. 1; Sen. Lamontagne, Dist. 1; Sen. Podles, Dist. 16; Sen. Conley, Dist. 3; Sen. Champagne, Dist. 20; Sen. Poulsen, Dist. 2; Sen. Stephen, Dist. 18; Sen. Bergeron, Dist. 6; Sen. Brown, Dist. 19; Sen. Stabile II, Dist. 12; Rep. Schwaner, Rock. 9 — To Judiciary)

CACR 3, relating to the term of office of senators. (Sen. Chandler, Dist. 7 — To Executive Departments)

HOUSE MESSAGE

Introduction of House Bills

Senator Brown moved the following resolution:

Resolved, that in accordance with the list in the possession of the Clerk, House Bills 22-FN through 111-FN shall be by this resolution read a first and second time by the therein listed titles, laid on the table and referred to the therein designated committees.

Adopted.

HB 22-FN, legalizing action by the city of Rochester in adopting an optional fiscal year and authorizing debt during the transition period. (To Public Affairs)

HB 33, repealing provisions of the highway laws relating to repair of town highways by county commissioners. (To Transportation)

HB 64, concerning the tax year for property taxes. (To Executive Departments)

HB 71, naming the bridge on Route 49 at Goose Hollow in the town of Thornton after Andrew Robertson. (To Transportation)

HB 182-FN, relative to the sunset review of the division of public works – administration. (To Finance)

HB 183-FN, relative to sunset review of public works and highways – engineering. (To Finance)

HB 184-FN, relative to sunset review of public works and highways – mechanical division. (To Finance)

HB 186-FN, relative to sunset review of the public works division. (To Finance)

HB 187-FN, relative to sunset review of Maine-New Hampshire interstate bridge authority. (To Finance)

HB 9-FN, making an appropriation to cover the 1980 fiscal year deficit in funds appropriated for handicapped education. (To Education)

HB 59, relative to the penalty for the selling of deer or parts thereof. (To Development, Recreation & Environment)

HB 60, relative to the penalty for hunting, fishing to trapping after revocation of license. (To Development, Recreation & Environment)

HB 167-FN, relative to sunset review of the commissioner of health and welfare. (To Health & Welfare and Public Institutions)

HB 168-FN, relative to sunset review of the division of mental health. (To Health & Welfare and Public Institutions)

HB 169-FN, relative to sunset review of title XX social services. (To Public Institutions)

HB 178, relative to sunset review of civil defense. (To Executive Departments)

HB 179, relative to sunset review of the disaster office. (To Executive Departments)

HB 181-FN, relative to sunset review of police standards and training council – corrections. (To Executive Departments)

HB 202, relative to sunset review of council on energy. (To Development, Recreation & Environment)

HB 35, relative to administrative review of sanctions against official inspection stations. (To Transportation)

HB 220, relative to sunset review of the division of motor vehicles. (To Transportation)

Sunset Bills House Made Inexpedient to Legislate
First and Second Reading and Referral

HB 111-FN, relative to sunset review of coordinator of federal funds. (To Finance)

Recess.

Out of Recess.

Sen. Podles in the Chair.

The Senate met at 1:00 p.m.

A quorum was present.

The prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain:

We need Thee, Lord! Help us to overcome the frailty of procrastination, which is often the easier way, rather than facing up to the issues at hand.

TODAY is the day to start putting into action, the necessary and important legislation, which is needed now!

Grant us the inspiration to take up the gauntlet and accept the challenge.

Amen

Senator Sanborn led the Pledge of Allegiance.

Introduction of Guests

HOUSE MESSAGE

The House is ready to meet in Joint Convention with the Honorable Senate at 1:15 p.m. for the purpose of hearing Chief Justice William A. Grimes on the State of the Judiciary.

Sen. Monier moved concurrence.

Adopted.

Recess to Joint Convention.

Out of Recess.

Sen. Monier in the Chair.

Sen. Poulsen is excused for the day.

Introduction of Senate Bills

Sen. Brown moved the following resolution:

Resolved, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 52 and 53 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

SB 52, granting to state-chartered financial institutions the powers of similar federally-chartered financial institutions. (Sen. Poulsen, Dist. 2 – To Banks)

SB 53, to remove certain prohibitions against publication in cases where juveniles are charged with felonies. (Sen. Monier, Dist. 9; Sen. Conley, Dist. 3; Sen. Lamontagne, Dist. 1; Sen. Sanborn, Dist. 17; Sen. Lessard, Dist. 21; Sen. Boyer, Dist. 13; Sen. Bergeron, Dist. 6; Sen. Brown, Dist. 19; Sen. Stabile II, Dist. 12 – To Judiciary)

HOUSE MESSAGE

Introduction of House Bills

Sen. Brown moved the following resolution:

Resolved, that in accordance with the list in the possession of the Clerk, House Bills numbered 88 through 159 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

HB 88, prohibiting the removal of sand or vegetation from sand dunes in the town of Seabrook. (To Development, Recreation & Environment)

HB 194-FN, relative to sunset review of water resources board – water resources division. (Sen. Brown, Sen. Freese – To Development, Recreation & Environment)

HB 195-FN, relative to sunset review of water resources board – construction crew. (Sen. Brown, Sen. Freese – To Development, Recreation & Environment)

HB 196-FN, relative to sunset review of water resources board — special board. (Sen. Brown, Sen. Freese — To Development, Recreation & Environment)

HB 197-FN, relative to sunset review of water supply and pollution control commission — office of commissioner. (To Development, Recreation & Environment)

HB 198-FN, relative to sunset review of water supply and pollution control commission — Winnepesaukee river basin. (Sen. Brown, Sen. Freese — To Development, Recreation & Environment)

HB 199-FN, relative to sunset review of water supply and pollution control commission — subsurface waste disposal. (Sen. Brown, Sen. Freese — To Development, Recreation & Environment)

HB 200-FN, relative to sunset review of water supply and pollution control commission — water supply division. (Sen. Brown, Sen. Freese — To Development, Recreation & Environment)

HB 201-FN, relative to sunset review of water supply and pollution control commission — construction grants — administration. (Sen. Brown, Sen. Freese — To Development, Recreation & Environment)

HB 77, relative to voting procedures for blind persons. (To Executive Departments)

HB 114-FN, relative to sunset review of the public utilities commission — gas pipeline carriers. (Sen. Wiggins, Sen. Podles — To Public Affairs)

HB 115-FN, relative to sunset review of New Hampshire housing commission. (Sen. Wiggins, Sen. Podles — To Public Affairs)

HB 116-FN, relative to sunset review of legislative utility consumers council. (Sen. Brown, Sen. Monier — To Internal Affairs)

HB 117-FN, relative to sunset review of New Hampshire housing finance agency. (Sen. Wiggins, Sen. Podles — To Public Affairs)

HB 185-FN, relative to sunset review of the eminent domain commission. (Sen. Sanborn, Sen. Mann — To Finance)

HB 192-FN, relative to sunset review of the office of state planning. (Sen. Brown, Sen. Freese — To Development, Recreation & Environment)

HB 58, updating several portions of the statutes to conform to current practice or law. (To Judiciary)

HB 28, to raise the minimum damage amount for reportable accidents and to raise the minimum amount of damage to property for purposes of defining accident in insurance rate manuals from \$300 to \$500. (To Insurance)

HB 134-FN, relative to sunset review of the civil air patrol. (Sen. Conley, Sen. Stephens, Sen. Sanborn — To Executive Departments)

HB 278, relative to loans with and without security by co-operative banks, savings and loan associations and building and loan association. (To Banks)

HB 73, concerning the state scholarship program set up in RSA 200-D. (To Education)

HB 91, extending the degree granting authority of Castle Junior College. (To Education)

HB 92, extending the degree granting authority of Hesser College. (To Education)

HB 93, extending the degree granting authority of Lebanon College. (To Education)

HB 122, relative to sunset review of the department of education — instruction division. (Sen. Kelly, Sen. Chandler — To Education)

HB 229, concerning the naming of an agent to receive property tax bills. (To Executive Departments)

HB 41, relative to snowmobile sound level and safety standards. (To Development, Recreation & Environment)

HB 133-FN, relative to sunset review of chiropractic examiners. (Sen. Conley, Sen. Sanborn, Sen. Stephens — To Executive Departments)

HB 135-FN, relative to sunset review of the dental board. (Sen. Conley, Sen. Sanborn, Sen. Stephens — To Executive Departments)

HB 136-FN, relative to sunset review of the board of medicine. (Sen. Conley, Sen. Sanborn, Sen. Stephens — To Executive Departments)

HB 137-FN, relative to sunset review of the board of optometry. (Sen. Conley, Sen. Sanborn, Sen. Stephens — To Executive Departments)

HB 138-FN, relative to sunset review of the pharmacy commission. (Sen. Conley, Sen. Sanborn, Sen. Stephens — To Executive Departments)

HB 139-FN, relative to sunset review of the board of registration of podiatrists. (Sen. Conley, Sen. Sanborn, Sen. Stephens — To Executive Departments)

HB 149-FN, relative to sunset review of the electrolysis board. (Sen. Conley, Sen. Sanborn, Sen. Stephens — To Executive Departments)

HB 156-FN, relative to sunset review of board of psychologists. (Sen. Conley, Sen. Sanborn, Sen. Stephens — To Executive Departments)

HB 160-FN, relative to sunset review of veterinary examiners. (Sen. Conley, Sen. Sanborn, Sen. Stephens — To Executive Departments)

HB 163-FN, relative to sunset review of the state board of auctioneers. (Sen. Conley, Sen. Sanborn, Sen. Stephens — To Executive Departments)

HB 3, allowing the use of crossbows by a physically handicapped person. (To Development, Recreation & Environment)

HB 80, authorizing the executive director with the consent of the commission to control the seasons, methods of taking, sex limitations and other conditions relative to wild deer. (To Development, Recreation & Environment)

HB 170-FN, creating the health and welfare oversight committee. (To Public Institutions, Health & Welfare)

HB 56, modifying the crime of being in the presence of an illegal controlled drug. (To Judiciary)

HB 103, naming section of New Hampshire 101 Highway between Auburn-Candia town line and the Raymond-Epping town line — the Robert C. Erler Highway. (To Transportation)

HB 223, relative to sunset review of the department of revenue administration — community services. (Sen. Blaisdell, Sen. Chandler — To Ways & Means)

HB 224-FN, relative to sunset review of the department of revenue administration — revenue collections. (Sen. Blaisdell, Sen. Chandler — To Ways & Means)

HB 159-FN, relative to sunset review of commission on the status of women. (Sen. Conley, Sen. Stephens, Sen. Sanborn — To Executive Departments)

Sunset Bills House Made Inexpedient to Legislate First and Second Reading and Referral

HB 143-FN, relative to sunset review of the arborist board. Referred to Executive Departments.

HOUSE CONCURS

SB 17, repealing the countersignature provisions of the insurance laws relative to foreign insurance and surety companies.

COMMUNICATION FROM SECRETARY OF STATE

Mr. Wilmont S. White, Clerk
New Hampshire State Senate
State House, Concord, N.H. 03301

Dear Mr. White:

This is to notify you that at the special election held February 17, 1981 in Senatorial District No. 12, John P. Stabile, II, Nashua, was declared to be elected Senator until the first Wednesday in December, 1982.

The vote returned from Senatorial District No. 12 was as follows:

John P. Stabile, II, Nashua	2,887
Selma R. Pastor, Nashua	2,136

Plurality for Stabile	751
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William M. Gardner
Secretary of State

Recess.

Out of Recess.

Sen. Sanborn in the Chair.

Introduction of Resolution

SENATE RESOLUTION NO. 1
regarding the operating budget

Whereas, the Governor's budget message admits the existence of a current budget deficit of \$25 million, and,

Whereas, the Governor's budget message does not prepare a solution to that \$25 million deficit, and,

Whereas, the ABCC does not have the legal authority to do much of what the Governor proposes and thus his budget cannot be balanced by ABCC action alone, and,

Whereas, the Governor's budget message proposes to cut funding unfairly to cities and towns who are on a fiscal year basis, and,

Whereas, the Governor's budget message reduces revenue available to cities and towns for business profits reimbursement below current levels unless his proposed \$104 million indirect sales tax is passed, and,

Whereas all water pollution programs currently planned for 1981, 1982 and 1983 are postponed and all funding for them cut off, and,

Whereas, the Governor's budget message really does not stand alone without the inclusion of his revenue package, and,

Whereas, the Governor's budget plan as presented is unworkable because the selected cuts impact in many instances on the truly needy such as the blind, handicapped and retarded instead of eliminating desirable but optional programs, and,

Whereas, many of the Governor's proposals to cut State Government spending transfer the costs to the already overburdened local property taxpayer and the struggling consumers and, now therefore be it

Resolved, that the Senate Finance Committee recommends (to the Senate) that the Senate Finance Committee start from scratch in consultation with the department heads of State Government to initiate a new budget based on the projected revenues available from current sources less the deficit from the current biennium and that the Senate establish after consulting with the department heads priorities for programs at that level of funding.

If the Governor believes that level of funding to be inadequate, we invite him to submit to the legislature a request for additional spending based on any new revenue measures that he may propose that have a realistic chance for enactment.

Sen. Monier moved adoption.

SEN. MONIER: The Senate Finance Committee this morning in full session voted to accept this resolution as such, unanimously with two abstentions. The reason for the Resolution being on the Senate floor is very simple, the Resolution is a

reason and a basis by which the Senate expresses its policy. The Senate Finance Committee has already adopted this as policy, it is my very strong feeling that we should have a message to the state department heads, to members of the press, and to the people in the State of New Hampshire, as to exactly where we stand and where we are going in terms of the budget. At the bottom of this resolution it says: Resolved, that the Senate Finance Committee recommends (to the Senate) that the Senate Finance Committee start from scratch in consultation with the department heads of State Government to initiate a new budget based on the projected revenues available from current sources less the deficit from the current biennium and that the Senate establish after consulting with the department heads priorities for programs at that level of funding.

Further it says: If the Governor believes that level of funding to be inadequate, we invite him to submit to the legislature a request for additional spending based on any new revenue measures that he may propose that have a realistic chance for enactment.

The truth of the matter is, the Senate Finance Committee, in two weeks of analysis has very clearly indicated to themselves that the current fiscal crisis in the State of New Hampshire is much more serious than what is being proclaimed. To be honest with you, at the present time, in the next biennium if nothing else was changed from our current spending level we would be down at least \$47 million below our current spending level. Quite obviously this resolution does not say that that's where we ought to have a spending level. What it does say is that is where we must start in order to build a budget. How we proceed from there and whether we increase it or do not increase it is a legislative prerogative. To be very frank with you, I am sorry that we have to make reference to the fact that we're dealing with a governor's budget, but that's the only thing that we have before us. Before anyone asks, the answer is yes, it is before us, because by law it is presented to me as Senate President. The other answer is very simply that it is now before the House. The House had to start their hearings immediately and are following the normal procedure. We are not in argumentation with the House, this procedure and unique approach being adopted by the Senate Finance Committee has been discussed with the House, they are not against it or in opposition to it, they recognize what we are doing. What we have in hand in the

Senate Finance is the following: We are attempting to illustrate very demonstratively that we have a more serious crisis than we had really recognized. At the present time we know that we are down \$47 million below the current level of spending for the next biennium if no other action is taken. That means no funding by new revenue packages or by any other action. That's a very serious bottom line budget. It amounts to about \$508 million. There is no way in my mind that we can operate on a \$508 million budget, but if we know that and start from there in Finance and we ask the department heads to 1) carry out the responsibilities for which they are paid, which is to manage with us to build a budget within that level but recognizing that we as a legislative body, the House and Senate combined, can pass revenue to raise that. We have to have a place to start. We are, and this is, a unique approach. As a result the Senate Finance Committee, by vote this morning, will follow this procedure. I wanted the Senate also to be aware and to allow the public to recognize that we together, not partisanly but bipartisanly, are going to take this approach. As a result I think we can resolve our problems with the budget, but only if we keep the people informed and tell it like it is.

SEN. PRESTON: Is the final paragraph actually a part of the Resolution or is it just an added portion.

SEN. MONIER: No, it is a part of the Resolution. The reason it is worded the way it is, is that everyone that is in the legislature recognizes that revenue measures may be enacted by or brought in for enactment by an individual legislator. The Governor in his current budget and in his presentation to the Legislature has some revenue gathering or revenue raising measures to be considered. This Resolution asks that they be presented as such rather than a part of the budget per se, as he did it. So that the House may act upon them first and if they come to us then we would act on them. This Resolution does not say that we are not going to consider revenue. There is no way we can do that. It does invite the Governor to submit to the Legislature revenue-raising measures, which he has already done. We now have a bill submitted on his proposed business profits tax.

SEN. BOYER: Senator Monier, it is my understanding that based on the vote of the Senate Finance Committee this morning, that whether we adopt this Resolution as a full Senate, the Senate Finance will proceed under the same guidelines laid out in the Resolution anyway.

SEN. MONIER: That is true except for one thing, the guidelines laid out by the Senate Finance dealt with the department heads and how we wish them to bring to us their management advisory packages. That has nothing to do with the Senate as a whole. What we are doing is reporting to the Senate what our policies will be.

SEN. BOYER: Do you propose to introduce any legislation regarding the Senate Resolution in the form of a bill, in terms of revenue bills or for cutting purposes?

SEN. MONIER: The Senate is not allowed to introduce revenue bills, so therefore my answer to that is no. What I was saying in this is that if revenue bills are presented to us we will certainly consider them. What we are also saying is please present them to us. In short, we are not trying to say this is the end of it, we're going to work at the \$508 million. I wanted to make that clear and that's why that final statement is in there. I have no bills to present with respect to this, no.

SEN. BOYER: I am aware of the traditional roles of the House and the Senate, then indeed this is a unique approach as you stated. Is that correct, Sen. Monier?

SEN. MONIER: It is. And I will say it that way.

SEN. RICE: Senator Monier, I've got a concern. The department head have already appeared before the Governor, is that correct? Did they not appear before the representatives of the Governor in terms of his initial budget?

SEN. MONIER: Well, you've asked two questions. The answer is they did appear on a schedule while he was compiling the budget but that's all I can respond to because whether they all appeared or not I can't answer.

SEN. RICE: Many of them have or others currently will be appearing before members of the House Appropriations Committee.

SEN. MONIER: They already have, those transcripts were part of our consideration.

SEN. RICE: All of them have or are there, is there still some to come?

SEN. MONIER: You're asking me what the House is doing, I'm doing this off the top of my head. Their schedule of department hearings has been completed, that does not mean that they will not be returning if they are asked to.

SEN. RICE: To be a little more direct, my question really is: Department heads, between appearing before members of

the Governor's staff initially, currently appearing before the House Appropriations Committee or numerous House subcommittees on appropriations, also appearing before sunset committees, don't you think that there is a proper time for department heads to appear before the Senate and maybe our request that they appear before the Senate Finance Committee right now might be a little arbitrary?

SEN. MONIER: No, you're mixing three things, Senator Rice. Number 1, nothing that they have said in front of the other ones is in our hands at this time, and that is good for my sake. The second thing is that if you've read the transcripts, many of them have already stated that while they appeared before the Governor's budget process, that they had no part at all in the final compilation of the budget and were surprised at the things that were in it. I do not want to get into a political argument about how it should have been done. The truth of the matter is that an appropriations committee has an adequate right to require or request the department heads to be before it for any kind of information. What we have done in this Senate Finance Committee, we had already scheduled them to come and we are now saying to them: this is what we want you to bring to us. That's not only within our prerogative, many of them had already told me that they welcomed that because it gave them a chance to understand what we're seeking.

SEN. RICE: What they would be bringing to the Senate now is different than what they've just brought to the House?

SEN. MONIER: Yes or no. I don't know what they've brought to the House. I've read your transcript. What we are asking them to bring to us is an entirely different thing than what they have normally brought to the Senate.

SEN. BLAISDELL: Senator Monier, you mentioned a few minutes ago that this was not an unusual process. Aren't we getting back to the process that Sen. Trowbridge started in his Finance Committee by bringing in the department heads in January and February and March?

SEN. MONIER: The answer is yes, but let me clarify it because I was really asked two questions. One is, the fact that we were scheduling them now is not unusual because that has been preceded before. If you are saying that it is unusual in what we are asking them to bring in, the answer is yes. I don't think the two are incompatible.

SEN. BLAISDELL: Would you explain that to me a little bit further.

SEN. MONIER: Normally, they would wait until the House was finished and then bring it to the Senate. Then during some period of time during the last ten years, I believe under Sen. Trowbridge, they started scheduling the department heads to come in as soon as they had finished with the House, or committently with the House, so that they would have testimony at the same time. So that's not unusual, if that's what you're asking.

SEN. BLAISDELL: I guess, Senator, the point I was trying to make is that this is what Sen. Trowbridge did and started in the Senate Finance Committee. We brought them in in January and started a new process right from base zero. Just exactly what this Resolution is trying to do.

SEN. MONIER: That is correct. With that I agree. I am sorry I misunderstood. The only thing I was telling Sen. Rice that is different, is what we're asking them to bring. That is unique.

SEN. LESSARD: Senator Monier, in your Resolution you call for the Senate Finance Committee, initiating a new budget based on projected revenues. Are you doing this with total disregard for what the House is in the process of doing?

SEN. MONIER: No.

SEN. LESSARD: Would you like to elaborate on that?

SEN. MONIER: No, because the answer is very simple. No, it hasn't got any relationship to what the House is doing.

SEN. LESSARD: Isn't this a duplication of what's going on in the House?

SEN. MONIER: No it is not. If it were I wouldn't be here this afternoon and we wouldn't have been downstairs this morning. The House is not in dispute with what we are going to do. What they are doing is following a traditional path of talking about the PAU's line item by line item in their subcommittees. A matter that both you and Sen. Hough are familiar with. The difference in what we're doing, and incidentally, that doesn't means that we're not going to see what they've got and we're not going to coordinate it. As a matter of fact, in a meeting with the Speaker, Mr. Tucker, with Mr. Hanson, with Sen. Bergeron and Sen. Sanborn, our co-chairman, and myself as President of the Senate, we went over this with them and we recognized clearly that we must keep in coordination with what we're both doing. But is it a duplication, the answer is no. As a matter of fact, it is providing another facet of information which the House will appreciate and use and which we will use. So it is not in conflict nor is it a duplication.

SEN. PRESTON: I think it's essential to explain my position prior to a vote. I disagree that this Resolution is essential to demonstrate the policy of the Senate. The Senate President sent a very clear message to all, specifically department heads, as to the intent of reviewing their budgets thoroughly. I am sure that message got through loud and clear. The process outlined this morning concerning the Senate Finance Committees feelings on possible budget deficits was shrouded by hot lights and hungry media, informed in advance of big happenings. Some members of the committee had lengthy prepared statements to be distributed to the press. I made it clear privately to the President and publicly at the hearing that the Senate has an obligation to take part in developing the balanced budget. I share many of the concerns as the President does in the crisis we face and express a willingness to cooperate. It appears however that this Resolution can appear political in light of the atmosphere that prevailed this morning. To state a couple of my concerns: Will the effect of the Senate process of today impact the traditional House appropriations process, for example will the House appropriations have first priority on the LBA time. If we stated that the Governor has not included the \$30 million negative impact that President Reagan's tax program would cause, would this Resolution suggest cutting \$30 million more than suggested by the Governor. I say that there is unanimity among the Senators to resolve the problem. As I see it, those who vote for or against this Resolution are supporting the Senate President or the Governor, whether they like it or not. I, for one, do not wish to be used as a pawn in such a political foray, if one exists. I have several areas of disagreement with the Governor's budget as submitted and will not support it. As a member of the Senate I have the privilege to be a part of recommending changes in the final budget, I intend to do that. I respectfully suggest that this Resolution is not the necessary legislative vehicle to achieve the goals we seek and would respectfully request being recognized under additional motion.

SEN. BERGERON: It's nice to know that you've had time to recoup and get your transcribed statement ready for us, but weren't you there at these meetings this morning?

SEN. PRESTON: Yes, I was.

SEN. BERGERON: Did you not hear a number of us make the statement that this was not a political vendetta or political move, that we were just trying to do what was right for the benefit of the people of the State of New Hampshire?

SEN. PRESTON: Senator, you are correct. Didn't I also indicate that I received this package twenty minutes before the hearing at which time I followed my colleagues into a room. I will tell you one thing I learned, the next time I see the Senate President in his gray suit and red tie I'll know something is up. They had prepared statements and the minority members sat on the left side of the room, and I scribbled some comments. But I wasn't there Senator.

SEN. BERGERON: You were there, you participated in the conversation, you participated in the Resolution. It bothers me and I would like to know, the basis for your statement because the statement you made is that on voting for this Resolution we are taking a stand either for the Governor or against the Governor and for the Senate President or against the Senate President, and I don't understand that kind of thinking. Would you please explain what the Governor has had to say as far as we're concerned in supporting or not supporting it, and what the Senate President has had to say as far as our supporting or not supporting.

SEN. PRESTON: Senator Bergeron, with all due respect, if you're indicating that I'm being two-faced in what happened in the committee with what I'm saying here, that isn't true. I think you'll admit that the original Resolution contains some pretty strong, and what I considered offensive language.

SEN. MONIER: I don't like to do this but I am not going to stand here in the Senate and allow draft documents which we were discussing, in effect the former resolution. There was no Resolution until such time as it was presented to Senate Finance, a fact that the minority leader well understands.

SEN. PRESTON: If I may continue. I agree with what the Senate President just said, that he indicated a willingness that we should strike these out, that he did not want to make it political. I so indicated in that hearing room to Senator Hough and others, that I thought this was unnecessary and that when it came to the floor that I thought any action on this could be interpreted as political. I just didn't see the need for it and I thought policy was made very clear this morning. I will repeat, I don't feel as though I'm going back on my word if that's what you're inferring, Senator Bergeron, because the Senate President did say to us that he didn't want to get up there in a political battle. I so interpreted it as political, which way we vote on this. But he did make that effort.

SEN. LAMONTAGNE: As an independent Democrat, I wish to say to the Senate that I rise in support of the Resolution. Personally I feel that this Resolution is for the purpose of telling the people, especially the cities and towns that are very worried about the cuts that have been made, and at the same time the local politicians, who are worried about getting the state funds in order to take care of the commitments that have been made to them. I received a letter from Gorham and they are worried about the promises that have been made by the State of New Hampshire under the water pollution board. This is a problem that is creating a lot of headaches for a lot of people. The way I understand this Resolution, and if I don't understand it correctly I hope someone will correct me, I think it says that we are definitely against the cuts that the Governor wants to make. Therefore, what we're doing here with this Resolution is assuring the city or town fathers that we feel difference with the cuts in the Governor's budget. At the same time it's telling the blind people that there is some assurance that we're going to be with them and be against the Governor in the cuts that he wants to make. You don't know how many calls I've had over the weekend. You should see the petitions that have been brought to me by blind people. I know that this has nothing to do with this, but I'm just telling you what happened over the weekend. I'm telling you the blind people are so concerned about the workshop, they are so concerned about the library that is being taken away from them, that I'm sure with this Resolution these people will certainly have a better feeling in knowing that at least something is coming to help them out. They need help. In closing I'd like to say that I think the Finance Committee is going in the right direction. I think they ought to continue doing what they've started to do. Right now I say let's adopt this Resolution. I think the Resolution speaks for itself. I hope you'll support this Resolution.

SEN. RICE: My question is that we all share a concern about the proposed budget and some of those cuts and on the second page of the Resolution in the next to the last paragraph, the Resolution calls to initiate a new budget based on the projected revenues available from current sources less deficits from the current biennium. If we base a budget upon that, would it not in fact reduce the Governor's budget by approximately \$100 million?

SEN. LAMONTAGNE: I don't know how they're going to reduce it. The Governor's proposal doesn't make sense at all. The cuts that have been proposed don't make sense. I don't know where you're getting the idea that we're going to be cutting more than what the Governor budget is saying. I don't see how you're coming up with that.

SEN. RICE: If nothing else, and there are a lot of parts of the Governor's budget that I do not agree with, it did show increased revenue whether we like them or not. This Resolution calls for initiating a new budget based upon current sources of revenue less the deficits in the current biennium. If you do that, according to the Resolution, does it not in fact further reduce what the Governor proposed, creating a budget somewhere in the neighborhood of \$100 million less than what he proposed if you stick to current revenues only.

SEN. LAMONTAGNE: Senator, I really don't take it that way. I've been on Finance before and as far as I'm concerned you're definitely going to have a new budget. You're going to have to revise the proposed budget that's been submitted by the Governor and this is what the Finance Committee is supposed to do. At the same time, that's what the House Appropriations Committee is supposed to be doing, to recommend it to the General Court. You've already been told by the President of the Senate that no revenue bills can be introduced in the Senate, so therefore, we depend upon the appropriations committee or some members of the House to come out with some proposals that we in the Senate can adopt. You are definitely going to need a new budget.

SEN. CONLEY: First of all I would like to suggest that perhaps Sen. Monier had a gray suit on but unless he's changed his tie it's not red. So perhaps Sen. Preston also had the same problem in reading the Resolution. I rise in support of this Resolution because I believe it sends a clear and succinct message to the Legislature, to the Governor's office, to the department heads, and to the people of New Hampshire, as to the position of the Senate as regards to the new budget process as proposed by the Senate Finance Committee. This message sets forth the Senate's acceptance of the necessary courage and foresight to set up a precedent long overdue in the budget process. The people of New Hampshire understand well that there is no such thing as a free lunch, and they also understand that

if you don't have the money you can't spend it. I urge support of the Resolution.

SEN. BLAISDELL: Senator Conley, I might ask you the same question that Sen. Rice asked Sen. Lamontagne. It is around \$100 million less than the Governor's budget, is that right?

SEN. CONLEY: I would have no idea because I cannot read the Governor's budget and make any sense out of it.

SEN. BLAISDELL: Maybe we can get this on the record. Sen. Monier, it is \$100 million less than the Governor's budget isn't it?

SEN. MONIER: If you're referring to the question that Sen. Rice asked, I would have to answer two ways. The answer is yes, but there is also a codicil to that because the Resolution that he read said to initiate a budget, that doesn't mean to wind up with a budget. What we're trying to say is that how much the difference is between the Governor's budget and what we have has no relationship whatsoever. What we were doing this morning was saying that the people should recognize what the bottom line is. What it is compared to has no relationship whatsoever. However the answer to you is yes, it is a \$100 million less than what the Governor's budget says. The Governor's budget is unworkable, as I've said before, therefore the \$100 million doesn't have an application. Neither does any other figure. We're not saying what it's compared to, we're saying what we have. And we are saying that we are initiating a budget at that level only.

SEN. BLAISDELL: Just for the record, Sen. Monier, I just wanted to be sure that you answered the question exactly that way. I am certainly going to vote for the Resolution. I don't know whether I'm an independent Democrat or what kind of Democrat I am, Senator Lamontagne, but I do know that I represent the Senate's tenth district. But I wanted that explanation out because there are Senators in this room that are afraid if they do vote for the Resolution that they are voting for a spending package \$100 million less than the Governor's package. I wanted to get that out on the Senate floor so that everyone understand it.

SEN. LESSARD: I rise in opposition to this Resolution and I do so for two main purposes. Before I state them I would just

like to state for the record that I have some strong objections to the Governor's budget, I have some strong objections to the way he raises a portion of his revenue, but I do not believe that this Resolution is the way to address them. The Senate President has already indicated that no matter what this Senate does with this Resolution, that the Senate Finance Committee is on record as going in this particular direction. And they will whether we like it or not. I am opposed to this Resolution because I feel that it raises expectations. I will quote from the Resolution: Whereas the Governor's budget plan as presented is unworkable because the selected cuts impact in many instances on the truly needy, such as the blind, the handicapped, and the retarded. Implying some way that if this Resolution is adopted that these people in need, their needs will be addressed. As has been pointed out from the Senator from the tenth district, and from Sen. Rice from Concord, if we pass the budget with no additional revenues, and if Ronald Reagan is lucky enough to get his tax package through, thereby reducing by \$30 million interest and dividends tax money, then we are talking about \$100 million less. Now I ask you, how can we deal with the issues of the blind and the handicapped, if the Governor's budget has problems addressing those issue, how can we deal with them with \$100 million less. The second point that I want to raise is that as a former member of the appropriations committee I spent the last session as a member of the subcommittee on education, and I always looked at the Senate with an amount of jealousy because no matter how much work we did on the House Appropriations Committee the Senate Finance and the members of the Senate had the last say. Not only that, but they looked at the budget after revenues were firmly established. The Governor really has no ability, no real ability to project what revenues are until after April. The House Appropriations Committee had a vague idea or what the appropriations levels are going to be, but really after April, when the Senate has it, they have a very good idea about revenues and what they are going to be. So, the Governor did present us a budget two years ago, and I disagreed with many of the issues, and many of the funding problems at the time. But the House Appropriations Committee over four weeks had public hearings, reviewed the budget, reviewed the revenue sources, which were built into that budget and changed it. We in effect made many of the hard cuts and changed many of the portions of the

budget to make it more realistic. So I say to you that this Resolution calls for duplication of effort. It raises expectations and I think wrongly. Because of these reasons I will oppose this Resolution. I support the calling in of department heads, I think that that is fine, but I do not believe it is necessary to do what this Resolution calls for; initiating a new budget based on projected revenues.

SEN. HOUGH: I supported this Resolution as it was adopted in Senate Finance and I will support it here today. I think that for all the members of the Senate it is important to recognize that this is a very clear statement, that it is a very timely statement. Next Tuesday, throughout the State of New Hampshire, the local towns will be meeting in town meeting, the local school districts will be meeting in their annual district. They are going to be taking actions as to the levels of spending and anticipation of support for the next coming year. I think they should know full well what the situation is presently in the State of New Hampshire. I said this morning and I will say again this afternoon, if we were to consider passing a continuing resolution and adjourning today and going home for the biennium, we would be faced with a \$47 million deficit based on the known levels of income and the present sources of income. What this Resolution says is that the Senate Finance Committee will take as a given, the existing sources of revenue and the best estimates of revenue today and proceed from there in working with the state department heads in formulating our position on the budget. I think that that is an important consideration. We are talking about the Senate's position on the budget. You can have one, two, three, anybody's budget, but ultimately we will have one budget and it is our position on the budget, that alone, to me, would indicate that the present sources of revenue and the present levels of revenue are not sufficient. If you choose to read that as a message that present revenues are inadequate, I think that's a valid assumption. But at least it's a recognition that the levels of revenue based on present sources are going to be inadequate. There has been talk in relation to the House Appropriations Committee's position on the budget, again as a former House member who sat on the Appropriations Committee for three terms, I recognize that the House will pass a budget bill and they will pass it into the Senate. The Senate's position on the budget will be incorporated into that budget bill and ultimately we will go to confer-

ence. Sen. Blaisdell and myself, two sessions ago, started on I believe the eve of July 1, where at 3 o'clock in the morning we passed the clock. The House in desperation with the Senate conferees had agreed that we would submit to the House an ABC version of the budget and whatever the House accepted the Senate would fly with. That was the conference. That was the only reason we could come out of conference and present something to the House. Three o'clock in the morning the House opted for version C, I believe, of the budget, and it came into the Senate and the Senate rejected it. At 7 o'clock on the first day of July the Legislature started to drive home. And we met within seven days to pass a continuing resolution and we got to November before we had a budget. Now ask the people of the State of New Hampshire, ask the cities and towns, ask the department heads, how that was to live under. What the intent of the Senate Finance Committee is at this point is to glean and work and be prepared so that when we go to conference we will have meshed as best as possible with the House. We are not preempting the House, we're working on the Senate's position on the budget. The House is working on their position on the budget. We're not giving them a different budget, we're preparing ourselves to mesh in conference. I think that it's far more timely that we can take this approach at this time. The conference committee is where it lies. Whether or not we're taking \$100 million off of a budget message that may have been given, I don't think is important. We know that we will be \$47 million off if we were to continue our present level of spending. We know that we have \$25 million in deficit right now. Now that's \$72 million to me and if the impact of Congressional actions would put the revenues off another \$30 million you could approximate \$100 million, but I don't think that's the point. What we're saying is that we're starting with what we do know and we're going to identify very clearly where the shoe pinches. I'm going to do everything I can to see that we don't erode existing levels of support to the cities and towns and we don't hurt those that are least able to take care of themselves. At least we know where we're starting and that's why I'm going to support this Resolution and I think it is a clear statement and should have the support of the Senate.

SEN. BLAISDELL: Can you tell me Senator, you kind of convinced me, do we really need this Resolution now, after what you just said?

SEN. HOUGH: Yes, I think we need this Resolution. I think we ought to pass it.

SEN. CHAMPAGNE: Does this Resolution give the Finance Committee any authority to do anything it doesn't have authority to do today?

SEN. HOUGH: To answer your question, it does not give the Senate Finance Committee any authority it does not already have. What it does is clearly establish the position we are in and it outlines the position that the Senate Finance Committee is going to take on the budget.

SEN. CHAMPAGNE: So the Finance Committee under the authority it has today could do all these things that you are suggesting should be done?

SEN. HOUGH: We are stating our position on the budget.

SEN. MONIER: May I use a question to you to correct something I said so that the press can't misinterpret it in any way, nor any Senator on the floor misinterpret it? The question to me by Sen. Rice is that what we are discussing is \$100 million less than the Governor's budget and I said yes. The truth of the matter is I should have answered, if you mean the Governor's package not his literal package. I just want to clear that up. If you look at the figures the Governor had in his budget, the real significant difference was that we say that there is only \$508 million, if we take no other action. The Governor's package and his literal budget would be \$100 million off, because we don't have all of it, it's just in his speech, etc. If you add his budget up he's talking \$539 million and we're saying there isn't that. That's what it boils down to. I wanted to make clear that my answer of yes dealt with the whole package the Governor had given us, not just his written budget.

SEN. HOUGH: My statements were that we would use present levels of spending projected over the next biennium and using that method we had \$48 million plus the known deficit and I make that \$72, and where the \$30 comes from we'll take on faith. I'm not saying we're cutting the Governor's budget, I'm saying our position on the budget is on known sources of revenue and existing levels of spending. There's a difference that's going to have to be looked at.

SEN. CHAMPAGNE: Wouldn't your proposition based on current revenues automatically project \$100 million deficit?

SEN. MONIER: Yes, if you want to say we're dealing with the current budget, but we're dealing with the expenditures,

which is the adjusted level. The answer to all of this is, it doesn't make any difference, because we're not saying what we're cutting, we're saying where we're starting from. That's what's important. To go back to your question to Sen. Hough, can we take these actions regardless of whether we pass this Resolution or not, the answer is of course we can. But that's got nothing to do with the question either. For example, when I first came onto this floor I said that the committees and the Senate Finance were going to keep this Senate informed as to where we stood. I think we also have a responsibility to inform the people where we stand. When you start talking about the fact that we do nothing else, we are now in current shortfall that's going to be a disaster I think it's time somebody is told that. That we tell it like it is. We did it in Finance this morning. Sen. Preston's right on that. We now have said in Senate Finance that we feel we must approach this from this bare bones level and build from there. We want the Senate to know that's what we're doing, we want the Senate to agree with us with it, because if they have any other way to do it I wish they would suggest it instead of backing something that is unworkable.

SEN. RICE: Senator Hough, in your presentation you indicated right at the beginning that the town meetings will be held next Tuesday and that you felt that the passage of this Resolution would be important to towns. Could you explain how it is going to be important to towns? Are we going to come up with something between now and next Tuesday that towns are going to be able to sink their teeth into, so to speak, at town meetings.

SEN. HOUGH: I'll tell you what I've been telling my town selectmen, that when they are preparing their warrants they should not proceed on any assumption that they are going to get increases in their business profits tax. I think the cities and towns in my district have been very cautious in establishing their budgets in lieu of that. Remember also that the cities and towns, and the school districts, are going to establish a budget again based on anticipated revenues from other sources, and then they set their property tax next November. I think the communities in my district, at least the selectmen and school board members, are very sensitive to this support and they are trying to structure their levels of spending at a bare minimum recognizing that to do otherwise would again impact their tax rate next November when it's set. This is one more indication

that they should proceed cautiously because they appropriate their money in the spring and they raise their taxes in November and December.

SEN. RICE: I concur that the towns and cities are going to have to take a hard look at state budget and where we are but in terms of what Sen. Lessard said in terms of expectations, passage of this Resolution today, I honestly do not understand how it is going to create a lot more input or present a clearer message to towns and cities next Tuesday.

SEN. HOUGH: If we take affirmative action on this we are stating our position. I think that's one more indication to the people in the local community that they should not anticipate things that may not come to pass. Your interpretation of this Resolution may be different from mine. I will say this, I recognize that there may very well be at this point when we are dealing with the differences between present levels of spending and present sources of income, there may be a need for more revenue. There are a lot of Senators that perhaps would not be able to take a position on increasing revenues. I think that I wouldn't be counted among those. I've had a tradition of being supportive of more revenue, but that isn't the point. At least I know that if I don't like what is we're going to have to generate the revenue to provide the level of servicing that I would want. Otherwise we are not going to have it.

SEN. SPLAINE: I just want to say that I was there this morning and I saw what Sen. Preston referred to as a media show. I suppose it was, my only request would be that in the future if we do do any of these things in Finance Committee that the Chairman of the committee try to make sure that the cameramen don't end up sitting in my seat. I think that the goals of the proposal, I think that the idea behind the proposal and I think that the intents being proposed by this Resolution are good and decent. I can't support it because I think that there's too much politics involved in this kind of Resolution. I do think that we do need, and this approach initiates it, a change in the kind of approach we take toward the budgetary matters every two years. I think one of the former members of the House who was speaking here a few moments ago, pointed that out very well, that very easily this may be a way to help branch and eliminate the duplication of effort between the House and the Senate. The people who were instrumental in putting this kind of Resolution together, on that basis at least,

ought to be commended. I also feel that since this is apparently going to be the approach of the Senate Finance Committee, to meet with department heads, to meet with agency officials, and try to work out exactly what kind of changes, improvements, and restructuring need to be worked into the agencies and departments of the state before we put together the final version of the budget. I think that that is going to be a good approach. And for that too, I would certainly commend the people who are proposing, and backing and wrote, this Resolution. This morning I suppose I was an independent Senator along with Bob Preston, both of us abstained on voting on this issue, and I'm going to do so today because I have a number of reservations about the Governor's budget as it was proposed and as it exists today. I don't want to vote against this Resolution and have it be said that I'm in favor of the Governor's budget in any way, shape or manner. I think that there's a lot of restructuring that needs to be done. I don't think that enough people were consulted, I think that that is what the Senate Finance Committee and the House Appropriations Committee will be doing. I don't want to see this Resolution passed without some dissent, apparently there's going to be some dissent, and simply have a unanimous vote in this body because I don't want to encourage the kind of politics which I saw at play this morning. Or the headline grasping which resolutions such as this in the future might bring about.

SEN. BOYER: I rise in opposition of this resolution not because of the methodology that the Finance Committee intends to proceed with, I think it's a healthy exercise. However, I feel that as a Senator on this floor, that I'm going through a futile exercise here. I don't see any problem with individual Senators telling their constituents how they stand on the Governor's bill or any other proposals, and the Governor's budget in particular. I can say unequivocally there's a number of areas on the budget that I heartily disagree with. If the budget were submitted to us in the form that I understand that it is in I would vote against it. One of the problems being that I only understand that the Governor's budget takes a certain form and we haven't even seen it yet. I have a problem with the theory of this body taking a vote on something that we really haven't seen. I have a problem with establishing a precedent in this Senate for various committees, whether it be Finance because that is our problem and it will be during the session, or

some other committee who perhaps doesn't like a bill that is on the other side and before the bill gets over here we decide to have a Resolution in this chamber telling them in no uncertain terms that we don't favor that bill and we will vote against it. It's sort of like a judge deciding a case before he gets the evidence. We've been told by the Senate Finance Committee that they're going to proceed with this method. I indicate that I think it's a healthy methodology and a healthy task. The Resolution doesn't give any answers to the problems. A person would be a fool who says that they're in favor of cutting the needy. The problem is one of definition. What is a needy? A person would be a fool who'd favor abolishing or reducing the revenue to the cities and towns. The national experience incidentally, if the Governor's budget is passed in its present form. I don't think that the Resolution answers any of these problems, in and of itself. I'm not stating that to criticize the Senate Finance Committee or to discourage them from going forth in their attempt. I would ask that you all consider, what I consider a very bad precedent, not to be established here.

SEN. CONLEY: I would like to ask the Senator who just spoke if he was familiar with this document.

SEN. BOYER: Yes.

SEN. CONLEY: Then why did you say that we haven't had the Governor's budget. This is the Governor's budget and if you would like to look through my copy I'd be glad to show you that it has been looked at. I'm sure there are copies available to any Senator who wants one.

SEN. BOYER: I am familiar with the document. Perhaps I should have said the Governor's legislative package, which I understand was not submitted until very late Thursday, which I have not seen.

SEN. MONIER: Senator Boyer, I'd like to just remind you that we are not setting precedents. If you will look at the Calendar today from Executive Departments, or if you look at a Calendar from two days ago or at ones in the future, you will find it very frequently, committees come in with reports and no action is necessary, to interim study, ought to pass. We brought this to you from our committee as a recommendation of ought to pass. You will not see a lot of the bills that come to you on this floor, nor will you be privy to the discussions that bring that bill to the floor because you're not a member of that committee. There is no precedent being established with a

resolution of this nature, nor does this resolution in any way preclude our action of anything that comes from the House. Do you agree with that?

SEN. BOYER: No, I certainly do not.

SEN. MONIER: Thank you.

SEN. LAMONTAGNE: Senator Boyer, you've been here in the Senate and have you heard the Finance Committee make a report on the checkbook?

SEN. BOYER: Yes I have, Senator.

SEN. LAMONTAGNE: Then what difference is there now, you've got a resolution coming from the Finance Committee telling us what the checkbook balance is now. I take it that this is a report from the Finance Committee. Don't you take it that way?

SEN. BOYER: No I don't, I'm sorry. I don't understand the question and I would like it repeated if you would so I could respond.

SEN. LAMONTAGNE: My question was that you are familiar with the checkbook report as made by the Finance Committee.

SEN. BOYER: I said yes, Senator.

SEN. LAMONTAGNE: Now you say that this resolution comes from the Finance Committee. Don't you take it that this resolution is coming in giving us a report of what they are doing in the Finance Committee?

SEN. BOYER: That's not the point of the Resolution. No, I don't understand that.

Sen. Monier moved previous question.

Seconded by Senator Lamontagne.

Adopted.

Sen. Bergeron requested a Roll Call.

Seconded by Sen. Lamontagne.

The following senators voted yes: Lamontagne, Conley, Freese, Hough, Bergeron, Chandler, Wiggins, Monier, Blaisdell, Mann, Kelly, Podles, Sanborn, Stephen, Brown, Champagne, Roy.

The following senators voted no: Boyer, Rice, Lessard, and Preston.

17 Yeas 4 Nays

Adopted.

Recess.

Out of Recess.

Sen. Monier in the Chair.

ANNOUNCEMENTS

Sen. Sanborn in the Chair.

COMMITTEE REPORTS

HB 216-FN, relative to sunset review of secretary of state — administration. No action is necessary. Sen. Conley for the committee.

SEN. CONLEY: On two bills that are before us today, HB 216-FN and HB 217-FN, though we will vote on them independently, I would like to state the reason for the no action necessary. If you will refer to the RSA's on the sunset process there is a footnote on page 139 of the supplement which indicates the following: The following program appropriation units included in the following budget departments, set out in the budget submitted by the Governor for the fiscal year ending 1980-81 shall terminate on July, 1981. provided that the PAU's designated by an asterisk shall be reviewed but shall not terminate. I offer to you that the Secretary of State's PAU covers the two bills that we have before us today and I offer that for the record there should never have been a bill submitted on either aspect of the Secretary of State's office. Therefore, although we did have the report from the House, the Senate committee in its wisdom has decided to take no action which effectively puts the bill in limbo and that's a good place for it since we were never supposed to act on that particular department anyway. So I offer to you the recommendation of no action is necessary on HB 216-FN.

Adopted.

HB 217-FN, relative to sunset review of secretary of state — elections division. No action is necessary. Sen. Conley for the committee.

SEN. CONLEY: The same report is made on HB 217-FN as on HB 216-FN. The resolution is that no action is necessary.

Adopted.

HB 178-FN, relative to sunset review of civil defense. Ought to pass. Sen. Conley for the committee.

SEN. CONLEY: HB 178-FN was reviewed by the sunset committee with a member of our committee in attendance. The report to the committee chairman was that there was no objection to the passage of the bill as presented to us by the House. Therefore we would concur with the recommendation of ought to pass.

Adopted. Ordered to third reading.

HB 179-FN, relative to sunset review of the disaster office. Ought to pass. Sen. Conley for the committee.

SEN. CONLEY: On HB 179-FN, a member of the Senate committee sat in on the House sunset review and indicated that we should concur with ought to pass and therefore we concur with the House report.

Adopted. Ordered to third reading.

HB 213-FN, relative to sunset review of the veteran's home. Ought to pass. Sen. Conley for the committee.

SEN. CONLEY: On HB 213-FN, a member of the Executive Departments committee sat in on the hearing for sunset review in the House and urged us to concur with ought to pass as reported by the House.

Adopted. Ordered to third reading.

HB 181-FN, relative to sunset review of police standards and training council — corrections. Ought to pass. Sen. Conley for the committee.

SEN. CONLEY: On HB 181-FN, a member of the Senate committee on Executive Departments sat in on the sunset review of this bill and urges us to concur with ought to pass as recommended by the House.

SEN. CHANDLER: What does that corrections mean?

SEN. CONLEY: That is the section of the review, the police standards and training council is divided into two or three separate parts. This is the part on corrections.

SEN. CHANDLER: Thank you.

Adopted. Ordered to third reading.

SB 26-FN, changing the basis of allocating county taxes to town. To interim study. Sen. Podles for the committee.

SEN. PODLES: SB 26-FN is the major policy change of allocating county taxes to towns and cities and the formula would be passed on population as well as valuation. The committee voted unanimously to put this bill into interim study. It needs further study as to the impact and effect and the interim study would give us ample opportunity to consider all factors involved.

Adopted.

SB 40-FN, removing the interest rate limitation on money borrowed by the city of Concord to aid its school districts. Ought to pass. Sen. Podles for the committee.

SEN. PODLES: The position of the committee on SB 40-FN was unanimous as ought to pass. The bill eliminates an interest limitation of 6% which was part of the 1889 laws. The passage of this bill will enable the city and the school district when issuing bonds to pay whatever prevailing interest there may be. It is not possible to go into the market place to sell bonds at less than 6%, so this legislation is necessary.

Adopted. Ordered to third reading.

HB 22-FN, an act legalizing action by the city of Rochester in adopting an optional fiscal year and authorizing debt during the transition period. Ought to pass. Sen. Podles for the committee.

SEN. PODLES: On HB 22-FN, the committee voted unanimously ought to pass. This legislation will allow the city of Rochester to adopt an 18-month budget while shifting from a calendar year to a fiscal year and it will authorize Rochester to borrow \$7.6 million in expenses for the next six-month budget. This legislation is vital. It will prevent default by the city and is a one-time special case basis and the only way to remedy the deficiencies found is to pass this bill.

Adopted. Ordered to third reading.

Sen. Monier in the Chair.

ANNOUNCEMENT

Senator Brown moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills ordered to third reading be read a third time by this resolution and that all titles be the same as adopted, and that they be passed at the present time; and that when we adjourn, we adjourn until Thursday, March 5, 1981 at 1:00 p.m.

Adopted.

LATE SESSION

Third Reading and Final Passage

HB 178-FN, relative to sunset review of civil defense.

HB 179-FN, relative to sunset review of the disaster office.

HB 213-FN, relative to sunset review of the veteran's home.

HB 181-FN, relative to sunset review of police standards and training council — corrections.

SB 40-FN, removing the interest rate limitation on money borrowed by the city of Concord to aid its school districts.

HB 22-FN, an act legalizing action by the city of Rochester in adopting an optional fiscal year and authorizing debt during the transition period.

Adopted.

Sen. Brown moved adjournment 3:40 p.m.

Adopted.

Thursday, March 5, 1981

The Senate met at 1:00 p.m.

A quorum was present.

Sen. Lamontagne in the Chair.

The prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain:

We should feel the necessity of reexamining ourselves, now, as we start the Lenten Season.

It is expedient that we do this, as often times, we think that we know the answers without giving much thought to the issues at hand.

May the events of our Lord's preparation for His work inspire us in ours.

Amen

Senator Monier led the Pledge of Allegiance.

Senators Poulsen and Hough are excused for the day.

INTRODUCTION OF GUESTS

COMMUNICATION

Mr. Wilmont S. White, Clerk
New Hampshire State Senate
State House
Concord, NH 03301

Dear Mr. White:

This is to inform you that the following senator-elect appeared before the Governor and Council on March 4, 1981 and was sworn into office:

John P. Stabile, II

Robert P. Ambrose
Deputy Secretary of State

Recess.

Out of Recess.

Sen. Monier in the Chair.

ANNOUNCEMENT

Sen. Monier welcomed Senator Stabile, our new senator from District 12.

INTRODUCTION OF SENATE BILLS

Sen. Brown offered the following resolution:

Resolved, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 54 through 58 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

SB 54, limiting the use of power boats on Grafton pond in the town of Grafton. (Sen. Hough, Dist 5; Rep. Seely, Graf. 10 – To Development, Recreation & Environment)

SB 55-FN, relative to reclassifying a highway in the town of Jefferson. (Sen. Lamontagne, Dist. 1 – To Transportation)

SB 56-FN, making an appropriation to the department of public works and highways. (Sen. Lamontagne, Dist. 1; Rep. Wiswell, Coos 1 – To Finance)

SB 57, to regulate the Berlin water works. (Sen. Lamontagne, Dist. 1 – To Public Affairs)

SB 58, relative to a special highway appropriation for Franconia Notch diversionary routes. (Sen. Lamontagne, Dist. 1 – To Transportation)

HOUSE MESSAGES

Sunset Bills House Made Inexpedient to Legislate
First and Second Reading and Referral

HB 142-FN, relative to sunset review of alarm installers. (To Executive Departments)

HB 150-FN, relative to sunset review of the board of engineers. (To Executive Departments)

HB 145-FN, relative to sunset review of the athletic commission. (To Executive Departments)

HB 151-FN, relative to sunset review of foresters. (To Executive Departments)

Senator Brown offered the following resolution:

Resolved, that in accordance with the list in the possession of the Clerk, House Bills starting with number 1 and ending with 233; and 142-FN through 151-FN which corresponds to the lists on your desks, shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

HB 1, requiring complete fiscal responsibility in the decommissioning of nuclear electric generating facilities by operating utilities. (To Development, Recreation & Environment)

HB 40, relative to fish and game matters. (To Development, Recreation & Environment)

HB 45, repealing the statute requiring that bears doing damage be destroyed. (To Development, Recreation & Environment)

HB 90, allowing absentee ballots to be processed any time after the polls open. (To Executive Departments)

HB 108, relative to election officials in a non-partisan town election. (To Executive Departments)

HB 227, concerning the appointment of delegates after presidential primary elections. (To Executive Departments)

HB 233, relative to restrictions on advertising devices on the federal aid secondary highway system and providing for farm signs in outdoor advertising control areas. (To Transportation)

HB 239, relative to the sealing and sale of skins. (To Development, Recreation & Environment)

HB 238, changing the date for trapping reports on furbearing animals. (To Development, Recreation & Environment)

Recess.

Out of Recess.

Sen. Conley in the Chair.

COMMITTEE REPORTS

HB 10, to protect agricultural operations from nuisance suits under certain circumstances. Ought to pass. Sen. Wiggins for the committee.

SEN. WIGGINS: The testimony on HB 10 was all favorable. We have a tremendous amount of nuisance suits, some of them smell of manure and other things, and we recommend the passage of this bill.

Adopted. Ordered to third reading.

HB 42, relative to the number of deer that may be taken in a season and limitations of taking. Ought to pass. Sen. Brown for the committee.

SEN. BROWN: The present law reads that no more than one deer may be taken within one year. All this bill does is clarify this, if you have a bow and arrow license you may take a deer with a bow and arrow license.

SEN. SANBORN: This says they can get one deer with a rifle and another with a bow and arrow, is that right? And if they had a musket license they could get another? In other words, you could get three deer with three licenses?

SEN. BROWN: That is correct.

Adopted. Ordered to third reading.

HB 47, relative to the nonresident license for the taking of small game animals and small game birds. Ought to pass. Sen. Wiggins for the committee.

SEN. WIGGINS: This bill would change the small game license. Before we had a small game license and you could hunt fur-bearing animals, this bill would eliminate the hunting of fur-bearing animals with a small game license. The out-of-staters come in and get one raccoon and now all they have to have is a small game license to hunt raccoon or small fur-bearing animals. With the price of fur we had testimony that we should eliminate all fur-bearing animals from the small game license, that would include raccoon, fox, bobcat, skunk and weasel. We recommend passage of this bill.

Adopted. Ordered to third reading.

HB 44, relative to the caging of live wild animals on exhibition. Ought to pass. Sen. Wiggins for the committee.

SEN. WIGGINS: This bill protects people from caged animals and getting bit or scratched. At the same time it protects animals from people by having the proper enclosure. In some shopping areas they bring in these small animals and have a picture taken of them with people holding them. This bill would stop that from happening and we recommend passage of this bill.

Adopted. Ordered to third reading.

HB 46, relative to the illegal sale or possession of seals for furs. Ought to pass. Sen. Wiggins for the committee.

SEN. WIGGINS: We recommend passage of HB 46. It seems that a game warden lost his fur seals when he was out checking a beaver dam and they were picked up and are being used by a fur dealer. At the present time all furs are supposed to be sealed by the game warden and this dealer was using the seals to buy illegal furs and seal them himself. We urge passage of this and this should stop this practice.

Adopted. Ordered to third reading.

HB 165-FN, relative to sunset review of the department of fish and game — administration and support. Ought to pass. Sen. Wiggins for the committee.

SEN. WIGGINS: We find no problems with this bill and we recommend passage.

Adopted. Ordered to third reading.

HB 166-FN, relative to the sunset review of the fish and game department — law enforcement. Ought to pass. Sen. Wiggins for the committee.

SEN. WIGGINS: We examined this bill when it came from the House and we concur with the House action. We recommend it for passage.

Adopted. Ordered to third reading.

HB 118-FN, relative to sunset review of the department of education — administration and support. Ought to pass. Sen. Kelly for the committee.

SEN. KELLY: We met and heard testimony and opposition and we recommend this bill ought to pass.

Adopted. Ordered to third reading.

HB 120-FN, relative to sunset review of the department of education — financial aid to districts. Ought to pass. Sen. Kelly for the committee.

SEN. KELLY: The committee met to hear testimony, there was no opposition. The committee recommends ought to pass.

Adopted. Ordered to third reading.

HB 119-FN, relative to sunset review of the department of education — adult basic education. Ought to pass. Sen. Kelly for the committee.

SEN. KELLY: The committee met to accept testimony, there was no opposition, and recommends passage of this bill.

Adopted. Ordered to third reading.

HB 122-FN, relative to sunset review of the department of education — instruction division. Ought to pass. Sen. Kelly for the committee.

SEN. KELLY: The committee met to receive testimony, there was no opposition, and the committee recommends ought to pass.

Adopted. Ordered to third reading.

HB 124-FN, relative to sunset review of the department of education — fire service training. Ought to pass. Sen. Kelly for the committee.

SEN. KELLY: The committee met to receive testimony, hearing no opposition, the committee recommends ought to pass.

Adopted. Ordered to third reading.

HB 125-FN, relative to sunset review of the board of education — administrative division. Ought to pass. Sen. Kelly for the committee.

SEN. KELLY: The committee met in conference, hearing no opposition the committee recommends the bill ought to pass.

Adopted. Ordered to third reading.

HB 126-FN, relative to sunset review of the department of education — school nutrition. Ought to pass. Sen. Kelly for the committee.

SEN. KELLY: The committee met in conference to hear testimony, hearing no opposition, the committee recommends ought to pass.

Adopted. Ordered to third reading.

HB 128-FN, relative to sunset review of driver safety education. Ought to pass. Sen. Kelly for the committee.

SEN. KELLY: The committee met in a well-attended conference, hearing no opposition, the committee recommends ought to pass.

Adopted. Ordered to third reading.

INTRODUCTION OF GUESTS

COMMITTEE REPORTS

HB 131-FN, relative to sunset review of fruit marketing committee. Inexpedient to legislate. Sen. Sanborn for the committee.

SEN. SANBORN: Sen. Conley, Sen. Stephens and myself met with the House in the review of this committee on fruit marketing. There was very little evidence to identify continued need for this committee and we concur with the House that this bill should be found inexpedient to legislate.

Adopted.

Recess.

Out of Recess.

SB 44, relative to disclosure of security takeovers. Ought to pass with amendment. Sen. Champagne for the committee.

Amendment to SB 44

Amend the bill by striking out section 6 and inserting in place thereof the following:

6 Withdrawal of Securities. Amend RSA 421-A:7 (supp) as inserted by 1977, 20:1 by striking out said section and inserting in place thereof the following:

421-A:7 Tender and Withdrawal of Shares.

I. Securities deposited pursuant to a tender offer or request or invitation for tenders may be withdrawn by an offeree or his attorney-in-fact by demand in writing to the offeror or the depository within 15 business days from the date of commencement of such offer.

II. If an offeror makes a tender offer or request or invitation for tenders for less than all the outstanding equity securities of any class, and if the number of securities deposited or tendered pursuant to the offer is greater than the number the offeror has offered to accept and pay for, the securities deposited within 10 days of the date of commencement of such tender offer or request or invitation for tenders or within 10 days from the date that notice of an increase in the consideration offered is first published, sent or given to security holders shall be accepted pro rata, disregarding fractions, according to the number of securities deposited or tendered by each offeree.

III. If an offeror varies the term of a tender offer or request or invitation for tenders before its expiration date by increasing the consideration offered to the offerees, the offeror shall pay the increased consideration for all equity securities accepted, whether the securities have been accepted by the offeror before or after the variation in the terms of the offer.

IV. An offeror may not make a tender offer or request or invitation for tenders involving a target company which is not made to the holders of equity securities of the target company residing in the state on the same terms as such tender offer or request or invitation for tenders is made to holders of such securities not residing within this state.

SEN. CHAMPAGNE: New Hampshire currently has a statute which provides that if anyone wants to take over a New Hampshire corporation they must get approval and go through certain disclosure requirements. The statute is not peculiar to New Hampshire, unfortunately that statute has been attacked in other states. Certain parts of statutes which are very similar to the statute we have in New Hampshire have been rendered unconstitutional by other state courts. This is an attempt at the request of the Attorney General's office and the Insurance Commissioner's office to bring our statute into compliance with the problems this statute has encountered in other states. As far as I can recall, there was no opposition at the hearing to this particular bill and the committee recommends passage.

Amendment adopted. Ordered to third reading.

HB 111-FN, relative to sunset review of coordinator of federal funds. Inexpedient to legislate. Sen. Sanborn for the committee.

SEN. SANBORN: Two members of the Senate Finance Committee sat in on the hearing with the House on this bill. There was no conclusive evidence that there was any further need for a coordinator of federal funds, especially since federal funds seem to be on the downgrade now. With the evidence received, we believe that this office should be terminated and we agreed with the House that this bill be inexpedient to legislate.

SEN. BERGERON: Is the intention to move that agency into another department?

SEN. SANBORN: That is correct, Senator. I should have added that. It is believed that this will go into another department within the Governor's office.

Adopted.

HB 182-FN, relative to the sunset review of the division of public works — administration. Ought to pass. Sen. Sanborn for the committee.

SEN. SANBORN: Sen. Mann and I were the two Senators appointed to sit with the public works on these bills, and we believe that the department of public works is doing a good job and should be retained. We recommend that HB 182-FN ought to pass.

Adopted. Ordered to third reading.

HB 183-FN, relative to sunset review of public works and highways — engineering. Ought to pass. Sen. Sanborn for the committee.

SEN. SANBORN: Sen. Mann and I were the two Senators appointed to sit in with the public works on this bill. We found that there was a very strong need to keep the engineering department of the public works and highways in effect since they do a lot of good work for the state. We recommend, in concurrence with the House, ought to pass.

Adopted. Ordered to third reading.

HB 184-FN, relative to sunset review of public works and highways — mechanical division. Ought to pass. Sen. Sanborn for the committee.

SEN. SANBORN: Again we sat in on this committee with the House on public works and the evidence was that the mechanical division was a much needed division in the department of public works and highways. We recommend concurrence with the House, ought to pass.

Adopted. Ordered to third reading.

HB 186-FN, relative to sunset review of the public works division. Ought to pass. Sen. Sanborn for the committee.

SEN. SANBORN: We sat in with the committee on public works within the House and from past experience we know that the public works section of the public works and highways is a very important section. They take care of all the public buildings throughout the state that are state-owned and the House says they think it should be continued and we heartily agree. Accordingly we recommend that this bill ought to pass.

Adopted. Ordered to third reading.

HB 187-FN, relative to sunset review of Maine-New Hampshire interstate bridge authority. Ought to pass. Sen. Sanborn for the committee.

SEN. SANBORN: This is a bridge authority that takes care of what is now the middle bridge, the one between the Memorial Bridge and the new Interstate bridge in Portsmouth. When it was first put up it was a toll bridge, tolls were collected on the bridge and the money was put into a trust fund. This trust fund has at present sufficient money to allow for the maintenance of the bridge, to take care of the people who operate the lift and so forth. Actually we can't terminate this bridge the way the authority was set up. It was set up by legislation in New Hampshire and the same legislation in Maine, and then authorized by the Congress of the United States. It would take much

more process than just trying to sunset it here at this time. Accordingly we agree with the House and say that this bill ought to pass.

Adopted. Ordered to third reading.

HB 214-FN, relative to sunset review of the board of claims. Ought to pass. Sen. Sanborn for the committee.

SEN. SANBORN: I think there should be a little discussion on what the board of claims does because we have many new members of the legislature in this Senate. This was established about four years ago. It is a combination of the two Justices of the Supreme Court. Then Sen. Trowbridge and a few others believed that we used to have many bills come in that people thought they had a claim against the State of New Hampshire. They might be anywhere from a few dollars up to someone had shot a cow or something out in the pasture. These were separate bills and had to be argued through the House and through the Senate and hoped that the Governor would sign them. A few years ago, as I said, this board of claims was established to look at any claim under \$10,000. The membership consists of two appointees by the Governor, one appointee but the Chief Justice of the Supreme Court who would act as chairman, one member of the Senate, and one member from the House. I have been fortunate to be on this board of claims for the last six months or so. We find it interesting, and we are very diligent in the work. I think some of the reports would indicate that in the first year of its existence they only authorized a payment of \$469 of state money against claims. In 1979 \$11,290 was paid out, and in 1980 \$32,403 was paid out against claims. Most of these claims, by the way, come in from the prison and the hospital. In the case of the hospital, we get many claims from the attendants for torn clothes, etc. by the patients. From the state prison, one of the last claims I sat in on, the prisoners had what they called court clothes. When they go in to court they have good clothes to appear in. Many times these are stolen. Though they are kept in a secure place, somebody breaks in and steals some of their clothing or steals something. This has kept many bills from appearing before the House and the Senate and we concur with the House in this case that the board of claims should be kept in operation and they recommend that the bill ought to pass and we highly concur.

SEN. BERGERON: You just mentioned that you took away all the bills that came before the Senate. The money you saved there is almost what you pay out isn't it?

SEN. SANBORN: Oh, definitely.

Adopted. Ordered to third reading.

HB 174-FN, relative to sunset review of New Hampshire office of employment and training. Ought to pass. Sen. Brown for the committee.

SEN. BROWN: The committee met, a joint committee, and this department administers three different training programs. It was discussed that perhaps some may be cut but they would still be in existence, so therefore the office should be kept in existence for another six years to administer these programs. We recommend it ought to pass.

Adopted. Ordered to third reading.

HB 175-FN, relative to the sunset review of the public employee labor relations board. Ought to pass. Sen. Brown for the committee.

SEN. BROWN: The committee recommends that this public employee labor relations board be continued for another six years. It was created in 1975, its procedures are pretty well ironed out now and they do represent the public in negotiations.

Adopted. Ordered to third reading.

HB 177-FN, relative to sunset review of office of legislative services — administrative procedures division. Ought to pass. Sen. Brown for the committee.

SEN. BROWN: The committee met and decided this office should be continued for another six years. The House did amend the bill, all it did was set up a formal procedure for all agencies to follow when it comes to the administration of the administrative procedures act. It will be a uniform code for all agencies to follow.

Adopted. Ordered to third reading.

HB 167-FN, relative to sunset review of the commissioner of health and welfare. Ought to pass. Sen. Roy for the committee.

SEN. ROY: This bill renews the position of Commissioner of health and welfare. It is a position that has been in effect for about twenty years. The responsibility of the commissioner of health and welfare is to oversee the division of health, the division of welfare, and the division of mental health. So the committee was unanimous in its support of the House report of ought to pass.

Adopted. Ordered to third reading.

HB 206-FN, relative to sunset review of state library — central library services. Ought to pass. Sen. Roy for the committee.

SEN. ROY: HB 206-FN will renew the state library central library services. Sen. Podles and myself were assigned to the joint hearing and the committee agrees with the House proposal for ought to pass.

Adopted. Ordered to third reading.

HB 207-FN, relative to sunset review of state library — community library services. Ought to pass. Sen. Roy for the committee.

SEN. ROY: The committee has agreed with the House report of ought to pass on HB 207-FN, which is a bill which will renew the state library community library services.

Adopted. Ordered to third reading.

HB 210-FN, relative to sunset review of Glenclyff home for the elderly. Ought to pass. Sen. Roy for the committee.

SEN. ROY: HB 210-FN will renew the state's intermediate care facility called Glenclyff home for the elderly and the committee was unanimous in supporting the House report.

Adopted. Ordered to third reading.

HB 211-FN, relative to sunset review of Laconia State School. Ought to pass. Sen. Roy for the committee.

SEN. ROY: The committee was unanimous in its report of ought to pass on HB 211-FN. As you all know this is the home for the developmentally disabled in this state.

Adopted. Ordered to third reading.

HB 212-FN, relative to sunset review of New Hampshire Hospital. Ought to pass. Sen. Roy for the committee.

SEN. ROY: The committee was unanimous in its support of ought to pass to renew the New Hampshire Hospital for another six years.

Adopted. Ordered to third reading.

Recess.

Out of Recess.

Sen. Monier in the Chair.

SB 23, an act relative to the definition of bicycle path or trail. Ought to pass. Sen. Rice for the committee.

SEN. RICE: This bill clarifies a number of RSA chapters on paths or trails for bicycles. In many parts the RSA refers to bicycle paths while other RSA's refer to bicycle trails. To end any confusion, anywhere that it said paths now says paths and trails, and anywhere it said trails it now says paths and trails.

Adopted. Ordered to third reading.

SB 19, an act relative to the Spaulding extension. Ought to pass. Sen. Lamontagne for the committee.

SEN. LAMONTAGNE: The only thing that this bill does is repeal the environmental protection act which was passed in 1973. Right at the present time, the reason for the repeal

is because the Spaulding Turnpike is now almost completed and therefore this section of the law is not needed.

SEN. LESSARD: Could you tell me when the section of road between Rochester and Laskey's corner will be open?

SEN. LAMONTAGNE: October, 1981.

Adopted. Ordered to third reading.

ENROLLED BILLS REPORT

HB 6, removing the \$25,000 property holding limitation of the Francestown Academy.

HB 38, relative to the penalty for setting or having under control a set gun.

HB 39, relative to the penalty for the illegal use of light.

HB 43, relative to the electronic tracking and marking of wildlife.

HB 48, relative to reporting requirements for holders of special fish and game licenses.

HB 72, making employees of Lamprey regional solid waste cooperative eligible for social security benefits.

HB 22, legalizing action by the city of Rochester in adopting an optional fiscal year and authorizing debt during the transition period.

SB 17, repealing the countersignature provisions of the insurance laws relative to foreign insurance and surety companies.

Senator Lamontagne for the committee.

ANNOUNCEMENTS

Sen. Lessard spoke under Rule 44.

SEN. LESSARD: I rise today on a very special occasion for myself. On March 5, 1974 I was elected in a special election to a seat in the New Hampshire House of Representatives. Today is my seventh anniversary in the New Hampshire General Court, as I go into my eighth anniversary. I did not want to let the occasion go by without expressing on the floor of this Senate my joy at being here, my gratitude to my family and in particular my wife who has put up with many late nights in the House session and I'm sure many late evenings

within the Senate Chamber. To my family, to my friends, to the citizens of Dover, and in particular to the citizens of Ward 5 which I have represented for six½ years, for their support, their understanding, their friendship, for those seven years.

Sen. Brown moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills ordered to third reading be read a third time by this resolution and that all titles be the same as adopted, and that they be passed at the present time; and that when we adjourn, we adjourn until Wednesday, March 11, 1981 at 1:00 p.m.

Adopted.

LATE SESSION

Third Reading and Final Passage

HB 10, to protect agricultural operation from nuisance suits under certain circumstances.

HB 42, relative to the number of deer that may be taken in a season and limitations of taking.

HB 47, relative to the nonresident license for the taking of small game animals and small game birds.

HB 44, relative to the caging of live wild animals on exhibition.

HB 46, relative to the illegal sale or possession of seals for furs.

HB 165-FN, relative to sunset review of the department of fish and game – administration and support.

HB 166-FN, relative to the sunset review of the fish and game department – law enforcement.

HB 118-FN, relative to sunset review of the department of education – administration and support.

HB 120-FN, relative to sunset review of the department of education – financial aid to districts.

HB 119-FN, relative to sunset review of the department of education – adult basic education.

HB 122-FN, relative to sunset review of the department of education – instruction division.

HB 124-FN, relative to sunset review of the department of education — fire service training.

HB 125-FN, relative to sunset review of the board of education — administrative division.

HB 126-FN, relative to sunset review of the department of education — school nutrition.

HB 128-FN, relative to sunset review of driver safety education.

SB 44, relative to disclosure of security takeovers.

HB 182-FN, relative to the sunset review of the division of public works — administration.

HB 183-FN, relative to sunset review of public works and highways — engineering.

HB 184-FN, relative to sunset review of public works and highways — mechanical division.

HB 186-FN, relative to sunset review of the public works division.

HB 187-FN, relative to sunset review of Maine-New Hampshire interstate bridge authority.

HB 214-FN, relative to sunset review of the board of claims.

HB 174-FN, relative to sunset review of New Hampshire office of employment and training.

HB 175-FN, relative to the sunset review of the public employee labor relations board.

HB 177-FN, relative to sunset review of office of legislative services — administrative procedures division.

HB 167-FN, relative to sunset review of the commissioner of health and welfare.

HB 206-FN, relative to sunset review of state library — central library services.

HB 207-FN, relative to sunset review of state library — community library services.

HB 210-FN, relative to sunset review of Glencliff home for the elderly.

HB 211-FN, relative to sunset review of Laconia State School.

HB 212-FN, relative to sunset review of New Hampshire Hospital.

SB 23, an act relative to the definition of bicycle path or trail.

SB 19, an act relative to the Spaulding extension.

Adopted.

Sen. Lamontagne moved adjournment at 2:30 p.m.

Adopted.

Wednesday, March 11, 1981

The Senate met at 1:00 p.m.

A quorum was present.

Senator Freese in the Chair.

The prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain:

Lord, help us to seek after Thee and find Thee for we need a higher wisdom than our own.

May we listen to Thee and try to concentrate above the clamor and dischord which often times surround us.

Let us bear witness to the right over the wrong. Give us the strength to say what needs to be said — and the courage to put it into action.

Hear and help us Lord.

Amen

Senator Stabile led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

RESOLUTIONS

SENATE RESOLUTION NO. 2 proclaiming Franklin Pierce's District Five NAIA Championship

Whereas, Franklin Pierce College basketball team, in the past two years, has won 60 games and lost only 4, and

Whereas, the team has recently won its second consecutive National Association of Intercollegiate Athletics District Five Championship, and

Whereas, the Franklin Pierce Ravens scored an average of 93.4 points per game, and

Whereas, this average is the fourth highest of all the NAIA teams in the nation, and

Whereas, the Ravens led the nation in rebounding and won their games by an average margin of 17.2 points, and

Whereas, under the leadership of Head Coach Bruce Kirsh and Assistant Coaches Tod Silegy and Don Burness this team has developed and exemplified the qualities of excellence, teamwork and good sportsmanship, and

Whereas, it is the wish and duty of the Senate to recognize and commend those who demonstrate these qualities; now, therefore, be it resolved

That the Senate of the State of New Hampshire extend its congratulations to the Franklin Pierce Ravens for their second consecutive NAIA District Five Championship.

Adopted.

SENATE RESOLUTION NO 3
proclaiming New Hampshire College's
NCAA Regional Basketball Title

Whereas, the New Hampshire College basketball team has compiled an overall record this year of 23 wins and only 6 losses, and

Whereas, the team has recently won the National College Athletic Association Division Two New England Regional Championship for the second year in a row, and

Whereas, the team scored an average of 88.4 points per game, and

Whereas, that figure is the third highest in the nation for their division, and

Whereas, the Penmen were behind by 10 points with only 9 minutes remaining in the championship final and came from behind to win in the final 4 seconds, and

Whereas, they have developed and exemplified the qualities of teamwork, excellence and good sportsmanship under the direction of their coaches Tom Sullivan, Chip Polak and Frank O'Donnell, and

Whereas, it is the wish and duty of the Senate to recognize and commend those who demonstrate these qualities; now, therefore, be it resolved

That the Senate of the State of New Hampshire does hereby congratulate the New Hampshire College Penmen on its second consecutive NCAA Division Two Regional Championship and

does also hereby express pride that this exceptional group of young men will be representing the State of New Hampshire in the national championship tournament.

Adopted.

Recess.

Out of recess.

Sen. Monier in the Chair.

INTRODUCTION OF SENATE BILLS

Sen. Brown offered the following resolution:

Resolved, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 59-FN through 65 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

First and Second Reading and Referral

SB 59-FN, relative to the illegal sale of controlled drugs. (Sen. Brown, Dist. 19; Sen. Sanborn, Dist. 17; Sen. Mann, Dist. 11; Sen. Bergeron, Dist. 6; Sen. Roy, Dist. 22; Sen. Wiggins, Dist. 8; Sen. Kelly, Dist. 14; Sen. Lamontagne, Dist. 1; Sen. Podles, Dist. 16; Sen. Stephen, Dist. 18; Sen. Monier, Dist. 9; Sen. Champagne, Dist. 20; Sen. Conley, Dist. 3 – To Judiciary)

SB 60, providing for the acquisition of certain dams and water rights and repair thereof by the water resources board and making an appropriation therefor. (Sen. Blaisdell, Dist. 10; Sen. Sanborn, Dist. 17; Sen. Bergeron, Dist. 6; Sen. Freese, Dist. 4 – To Development, Recreation and Environment)

SB 61, changing the time for sessions for correction of the checklist. (Sen. Hough, Dist. 5; Rep. Townsend of Sull. 1 – To Executive Departments)

SB 62, exempting certain candidates from the provisions of RSA 658:24 and 659:58. (Sen. Podles, Dist. 16; Rep. Krasker, Rock. 22 – To Executive Departments)

SB 63, to prohibit the sale of drug paraphernalia. (Sen. Brown, Dist. 19; Sen. Preston, Dist. 23; Sen. Lamontagne, Dist.

1; Sen. Conley, Dist. 3; Sen. Freese, Dist. 4; Sen. Chandler, Dist. 7; Sen. Wiggins, Dist. 8; Sen. Monier, Dist. 9; Sen. Mann, Dist. 11; Sen. Stabile II, Dist. 12; Sen. Boyer, Dist. 13; Sen. Podles, Dist. 16; Sen. Sanborn, Dist. 17, Sen. Stephen, Dist. 18; Sen. Champagne, Dist. 20; Sen. Lessard, Dist. 21 — To Judiciary)

SB 64-FN, relative to sunset review of the standardbred breeders and owners development agency. (Sen. Blaisdell, Dist. 10; Sen. Brown, Dist 19 — To Development, Recreation and Environment)

SB 65, relative to borrowing for acquisition of agricultural land development rights. (Sen. Blaisdell, Dist. 10; Sen. Mann, Dist. 11 — To Development, Recreation and Environment)

HOUSE MESSAGES

Senator Brown offered the following resolution:

Resolved, that in accordance with the list in the possession of the Clerk, House Bills starting with number 251 and ending with 113-FN, which corresponds to the lists on your desks, shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

First and Second Reading and Referral

HB 251, to eliminate the requirement for a pre-marital blood test. (To Public Inst/Health & Welfare)

HB 261, relative to the superintendent of the Strafford county farm. (To Public Affairs)

HB 266-FN, creating a uniform fee system for town clerks in recording licenses for utility poles and wires. (To Executive Departments)

HB 152, relative to sunset review of funeral directors and embalmers. (Sens. Conley, Stephen, Sanborn — To Executive Departments)

HB 158-FN, relative to sunset review of shorthand court reporters. (Sens. Conley, Stephen, Sanborn — To Executive Departments)

HB 162-FN, relative to sunset review of pastoral counselors. (Sens. Conley, Stephen, Sanborn — To Executive Departments)

HB 164-FN, relative to sunset review of the board of rehabilitation counselors. (Sens. Conley, Stephen, Sanborn — To Executive Departments)

HB 7, relative to liability insurance coverage requirements for operators of passenger tramways. (To Insurance)

HB 244, legalizing the vote taken in the town of Bedford on November 4, 1980, to amend the Bedford zoning ordinance. (To Executive Departments)

HB 113-FN, relative to sunset review of the public utilities commission — common carriers. (Sen. Wiggins, Sen. Podles — To Public Affairs)

Sunset Bills House Made Inexpedient to Legislate
First and Second Reading and Referral

HB 146-FN, relative to sunset review of the barbers board. (To Executive Departments)

ANNOUNCEMENTS

VACATE

Sen. Brown moved to vacate SB 63, to prohibit the sale of drug paraphernalia, from the Committee on Judiciary to the Committee on Public Institutions.

Adopted.

COMMITTEE REPORTS

HB 121-FN, relative to sunset review of the department of education — veterans education service. Ought to pass. Sen. Kelly for the committee.

SEN. KELLY: The committee met on HB 121-FN and there was no opposition. The committee recommends ought to pass.

Adopted. Ordered to third reading.

HB 127-FN, relative to sunset review of the commission on the arts. Ought to pass. Sen. Kelly for the committee.

SEN. KELLY: The committee met to hear testimony on HB 127-FN, hearing no opposition we recommended ought to pass.

Adopted. Ordered to third reading.

HB 130-FN, relative to sunset review of advisory board for technical services — health area. Ought to pass. Sen. Kelly for the committee.

SEN. KELLY: The committee met on HB 130-FN and hearing no opposition, the committee recommends ought to pass.

Adopted. Ordered to third reading.

HB 114-FN, relative to sunset review of the public utilities commission — gas pipeline carriers. Ought to pass. Sen. Podles for the committee.

SEN. PODLES: The committee met on HB 114-FN and recommends ought to pass.

Adopted. Ordered to third reading.

HB 117-FN, relative to sunset review of New Hampshire housing finance agency. Ought to pass with amendment. Sen. Podles for the committee.

SEN. PODLES: The committee met on HB 117-FN and recommends ought to pass with amendment.

SEN. CONLEY: Would you give a brief explanation of what the amendment does?

SEN. PODLES: I yield to Sen. Brown.

SEN. BROWN: Sen. Wiggins, Sen. Podles, and myself sat in on the House committee, the consumers affairs committee. They amended the PAU of that bill to terminate or not continue on six years. The amendment they put on literally wiped out the single family program within the housing finance agency. I talked to some people about this since, and they didn't realize this happened, and I'm hoping we can nonconcur with the House and can get this into a committee of conference and can iron out our differences.

SEN. CONLEY: You are saying nonconcur with the House, but is this amendment a House amendment or a Senate amendment?

SEN. BROWN: This is a Senate amendment.

SEN. CONLEY: We're saying it ought to pass with amendment?

SEN. BROWN: With this Senate amendment, yes. Which literally wipes out their amendment. So now we have a disagreement and now we can go to committee of conference.

SEN. CONLEY: Point of information. I'm curious as to the ought to pass with amendment, when the amendment is disagreeing with the House amendment.

SEN. MONIER: It doesn't disagree with the House amendment. The bill that we received from the House is not an amendment to us, we are acting on that bill. The action as I understand it was that the committee recommended to amend the bill as we've received it, and the amendment as Sen. Brown just stated, merely reinstates it the way it was in the House before it was amended there. We cannot, and this Senate will not, deal with the amendments in the House. If they are sent to us they are not amended. That is the way the bill is. Now Sen. Brown has said that this committee has amended it back, which makes no difference, and the action before us is to adopt the amendment or not. If we did then it would be sent back to the House who could concur with us, or they could request a committee of conference. Have I answered your inquiry?

SEN. CONLEY: Yes.

Amendment to HB 117-FN

Amend the bill by striking out all after section 3 and inserting in place thereof the following:

4 Effective Date. Sections 1 and 2 of this act shall take effect upon its passage. Section 3 of this act shall take effect July 1, 1981.

Amendment adopted. Ordered to third reading.

HB 115-FN, relative to sunset review of New Hampshire housing commission. Ought to pass. Sen. Podles for the committee.

SEN. PODLES: The committee met on HB 115-FN and recommends ought to pass.

Adopted. Ordered to third reading.

HB 219-FN, relative to sunset review of the department of safety — administration and support. Ought to pass. Sen. Mann for the committee.

SEN. MANN: The committee met on HB 219-FN and requests that you make it ought to pass.

SEN. BLAISDELL: What does this do?

SEN. MANN: It is an act relative to sunset review of the department of safety — administration and support.

SEN. BLAISDELL: Does that mean that Mr. Flynn loses his job or anything like that? There's nothing in there that does away with his job or anything is there?

SEN. MANN: No.

Adopted. Ordered to third reading.

HB 220-FN, relative to sunset review of the division of motor vehicles. Ought to pass. Sen. Mann for the committee.

SEN. MANN: The committee met on HB 220-FN and recommends that you put this out as ought to pass. There is an amendment in this bill. In the old bill, when the department of safety ordered a set of license plates, it had to go into the highway department and be okayed and then go from the highway department to produce the plates. That step has been eliminated. The department of safety can now order their license plates direct. Both commissioners are happy with this.

SEN. MONIER: May the chair inquire? You stated there is an amendment to the bill.

SEN. MANN: There is a House amendment.

SEN. MONIER: You mean the House did amend it before we received it.

SEN. MANN: The bill was amended when we received it, we did not make the amendment.

Adopted. Ordered to third reading.

HB 221-FN, relative to sunset review of the coordinator of highway safety. Ought to pass. Sen. Mann for the committee.

SEN. MANN: The committee looked at this particular piece of legislation and recommended ought to pass.

Adopted. Ordered to third reading.

ANNOUNCEMENT

Sen. Brown moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills ordered to third reading be read a third time by this resolution and that all titles be the same as adopted, and that they be passed at the present time; and that when we adjourn, we adjourn until Thursday, March 12, 1981 at 1:00 p.m.

Adopted.

LATE SESSION

Third Reading and Final Passage

HB 121-FN, relative to sunset review of the department of education — veterans education service.

HB 127-FN, relative to sunset review of the commission on the arts.

HB 130-FN, relative to sunset review of advisory board for technical services — health area.

HB 114-FN, relative to sunset review of the public utilities commission — gas pipeline carriers.

HB 117-FN, relative to sunset review of New Hampshire housing finance agency.

HB 115-FN, relative to sunset review of New Hampshire housing commission.

HB 219-FN, relative to sunset review of the department of safety — administration and support.

HB 220-FN, relative to sunset review of the division of motor vehicles.

HB 221-FN, relative to sunset review of the coordinator of highway safety.

Adopted.

Sen. Bergeron moved adjournment at 1:50 p.m.

Adopted.

Thursday, March 12, 1981

The Senate met at 1:00 p.m.

A quorum was present.

Senator Wiggins in the Chair.

The prayer was offered by the Rev. Dr. Vincent Fischer,
Senate Chaplain:

Almighty God our Heavenly Father — hear us as we pause
from the cares of the world and our own problems.

May we open up our hearts and ears to the sound of Thy
Voice — speaking to us — admonishing us to be right in all
things.

Let us work together in unity of purpose with compassion
and understanding.

Amen

Senator Chandler led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

HOUSE MESSAGE

The House is ready to meet with the Honorable Senate at
1:15 p.m. in Joint Convention for the purpose of hearing the
Governor's Capital Budget Message.

Sen. Monier moved Concurrence.

Adopted.

Recess to Joint Convention.

Out of recess.

INTRODUCTION OF SENATE BILLS

Sen. Brown offered the following resolution:

Resolved, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 66-FN through 69 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

First and Second Reading and Referral

SB 66-FN, relative to service retirement credit for Maurice Remillard and making an appropriation therefor. (Sen. Champagne, Dist 20 – To Finance)

SB 67-FN, relative to the regulation of the sale of securities. (Sen. Champagne, Dist. 20 – To Insurance)

SB 68-FN, concerning state and town bridge aid. (Sen. Freese, Dist. 4 – To Transportation)

SB 69, increasing the interest rate of housing authority bonds. (Sen. Stephen, Dist. 18; Sen. Champagne, Dist. 20 – To Internal Affairs)

HOUSE MESSAGES

Senator Brown offered the following resolution:

Resolved, that in accordance with the list in the possession of the Clerk, House Bills starting with number 157-FN and ending with 345, which corresponds to the lists on your desks, shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

First and Second Reading and Referral

HB 157-FN, relative to sunset review of real estate commission. (Sens. Conley, Stephen, Sanborn – To Executive Departments)

HB 303, encouraging annual local and state celebration on Arbor Day. (To Public Affairs)

HB 304, changing reforestation week to forest conservation week. (To Public Affairs)

HB 25-FN, to permit the establishment of police commissions by town vote. (To Executive Departments)

HB 240, relative to reclassification of Lake Wentworth in the town of Wolfeboro from class B to class A. (To Development, Recreation & Environment)

HB 346, relative to the Winnepesaukee river basin control. (To Development, Recreation & Environment)

HB 63, relative to boating, boat safety, boat inspectors and boat registration. (To Development, Recreation & Environment)

HB 100, to recodify the motor vehicle laws. (To Transportation)

HB 189-FN, relative to sunset review of the liquor commission — regulation. (Sens. Lamontagne, Bergeron — To Ways & Means)

HB 345, relative to oil spillage in public waters. (To Development, Recreation & Environment)

ENROLLED BILLS REPORT

HB 178, relative to sunset review of civil defense.

HB 179, relative to sunset review of the disaster office.

HB 181, relative to sunset review of police standards and training council — corrections.

HB 213, relative to sunset review of the veteran's home.

HB 118, relative to sunset review of the department of education — administration and support.

HB 119, relative to sunset review of the department of education — adult basic education.

HB 125, relative to sunset review of the board of education — administrative division.

HB 128, relative to sunset review of driver safety education.

HB 165, relative to sunset review of the department of fish and game — administration and support.

HB 166, relative to the sunset review of the fish and game department — law enforcement.

HB 167, relative to sunset review of the commissioner of health and welfare.

HB 174, relative to sunset review of New Hampshire office of employment and training.

HB 175, relative to the sunset review of the public employee labor relations board.

HB 183, relative to sunset review of public works and highways — engineering.

HB 184, relative to sunset review of public works and highways — mechanical division.

HB 186, relative to sunset review of the public works division.

HB 187, relative to sunset review of Maine-New Hampshire interstate bridge authority.

HB 207, relative to sunset review of state library — community library services.

HB 210, relative to sunset review of Glencliff home for the elderly.

HB 211, relative to sunset review of Laconia state school.

HB 212, relative to sunset review of New Hampshire hospital.

HB 214, relative to sunset review of the board of claims.

HB 10, to protect agricultural operations from nuisance suits under certain circumstances.

HB 42, relative to the number of deer that may be taken in a season and limitations of taking.

HB 44, relative to the caging of live wild animals on exhibition.

HB 46, relative to the illegal sale or possession of seals for furs.

HB 127, relative to sunset review of the commission on the arts.

HB 219, relative to sunset review of the department of safety — administration and support.

HB 114, relative to sunset review of the public utilities commission — gas pipeline carriers.

HB 221, relative to sunset review of the coordinator of highway safety.

Sen. Lamontagne for the committee.

COMMITTEE REPORTS

HB 194-FN, relative to sunset review of water resources board — water resources division. Ought to pass. Sen. Freese for the committee.

SEN. FREESE: The senate members met in joint committee with the House and concur with this bill and recommend it ought to pass.

Adopted. Ordered to third reading.

HB 195-FN, relative to sunset review of water resources board — construction crew. Ought to pass. Sen. Brown for the committee.

SEN. BROWN: The committee met and voted to concur with the House and to continue the construction crew of the water resources board for another six years.

Adopted. Ordered to third reading.

HB 196-FN, relative to sunset review of water resources board — special board. Ought to pass. Sen. Brown for the committee.

SEN. BROWN: The Senate committee met and decided to keep this in existence for another six years, and thus concurred with the House.

Adopted. Ordered to third reading.

HB 197-FN, relative to sunset review of water supply and pollution control commission — office of commissioner. Ought to pass. Sen. Freese for the committee.

SEN. FREESE: The senate members met with the House on this legislation, they concur and recommend this bill ought to pass.

Adopted. Ordered to third reading.

Sen. Sanborn in the Chair.

HB 198-FN, relative to sunset review of water supply and pollution control commission — Winnepesauke river basin. Ought to pass. Sen. Brown for the committee.

SEN. BROWN: The committee voted to concur with the House and to keep the Winnepesaukee river basin program within the water supply and pollution control commission in existence for another six years.

Adopted. Ordered to third reading.

HB 199-FN, relative to sunset review of water supply and pollution control commission — sub-surface water disposal. Ought to pass. Sen. Freese for the committee.

SEN. FREESE: The senate members met with the joint House committee and recommend the bill ought to pass.

Adopted. Ordered to third reading.

HB 200-FN, relative to sunset review of water supply and pollution control commission — water supply division. Ought to pass. Sen. Freese for the committee.

SEN. FREESE: The senate members on the committee again concur with the House and recommend the bill ought to pass.

Adopted. Ordered to third reading.

HB 201-FN, relative to sunset review of water supply and pollution control commission — construction grants — administration. Ought to pass. Sen. Freese for the committee.

SEN. FREESE: The senators meeting with the House in joint committee recommend this legislation as ought to pass.

Adopted. Ordered to third reading.

HB 204-FN, relative to sunset review of New England water pollution control commission. Ought to pass. Sen. Freese for the committee.

SEN. FREESE: The senate members who met in joint hearing with the House recommend this legislation as ought to pass.

Adopted. Ordered to third reading.

HB 192-FN, relative to sunset review of the office of state planning. Ought to pass. Sen. Freese for the committee.

SEN. FREESE: This is another joint hearing between the House and the Senate and the Senate members concur with the House and recommend the bill ought to pass.

Adopted. Ordered to third reading.

HB 59, relative to the penalty for the selling of deer or parts thereof. Ought to pass. Sen. Wiggins for the committee.

SEN. WIGGINS: We held a proper hearing on HB 59. All the testimony was in favor of this bill and we recommend passage by the Senate.

Adopted. Ordered to third reading.

HB 60, relative to the penalty for hunting, fishing or trapping after revocation of license. Ought to pass. Sen. Wiggins for the committee.

SEN. WIGGINS: We had a hearing on HB 60 and there was testimony that after people lose their license they go out and continue to hunt and fish. One person was convicted of shooting a man and then he got a license to hunt two years afterwards. This would increase the penalty and we recommend passage.

Adopted. Ordered to third reading.

HB 169-FN, relative to the sunset review of Title XX social services. Ought to pass. Sen. Roy for the committee.

SEN. ROY: The senate committee does concur with the House report. This will renew the Title XX program, the social security act, as administered by the division of welfare in the department of health and welfare, until July 1, 1987.

Adopted. Ordered to third reading.

Recess.

Out of recess.

Sen. Monier in the Chair.

ANNOUNCEMENT

Sen. Brown moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills ordered to third reading be read a third time by this resolution and that all titles be the same as adopted, and that they be passed at the present time; and that when we adjourn, we adjourn until Wednesday, March 18, 1981 at 1:00 p.m.

Adopted.

LATE SESSION

Third Reading and Final Passage

HB 194-FN, relative to sunset review of water resources board — water resources division.

HB 195-FN, relative to sunset review of water resources board — construction crew.

HB 196-FN, relative to sunset review of water resources board — special board.

HB 197-FN, relative to sunset review of water supply and pollution control commission — office of commissioner.

HB 198-FN, relative to sunset review of water supply and pollution control commission — Winnepesaukee river basin.

HB 199-FN, relative to sunset review of water supply and pollution control commission — sub-surface water disposal.

HB 200-FN, relative to sunset review of water supply and pollution control commission — water supply division.

HB 201-FN, relative to sunset review of water supply and pollution control commission — construction grants — administration.

HB 204-FN, relative to sunset review of New England water pollution control commission.

HB 192-FN, relative to sunset review of the office of state planning.

HB 59, relative to the penalty for the selling of deer or parts thereof.

HB 60, relative to the penalty for hunting, fishing or trapping after revocation of license.

HB 169-FN, relative to the sunset review of Title XX social services.

Adopted.

Sen. Roy moved the Senate adjourn, 2:10 p.m.

Adopted.

Wednesday, March 18, 1981

The Senate met at 1:00 p.m.

A quorum was present.

The prayer was offered by the Rev. Samuel Richards, guest pastor of the United Church of Warner, N.H.

Heavenly Father, as we pray for your guidance this day help us to consider the issues before us with wisdom, justice and mercy, — that all that we say and do might be according to your will and deserving of your good pleasure. Restore to us a sense of higher calling of service and compassion, make us one in the work that we do on your behalf, in behalf of the people in this fine state of New Hampshire.

Amen

Senator Stephen led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

ANNOUNCEMENTS

HOUSE MESSAGES

Senator Brown offered the following resolution:

Resolved, that in accordance with the list in the possession of the Clerk, House Bills starting with number 285 and ending with 262, which corresponds to the lists on your desks, shall be by this resolution read a first and second time by the therein listed

titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

HB 285, relative to voting by proxy on matters relating to capital stock conversion of any cooperative bank, building and loan association or savings and loan association. (To Banks)

HB 234, extending the degree granting authority of Daniel Webster College. (To Education)

HB 24, removing jurisdiction of county personnel committees in removal hearings involving death. (To Judiciary)

HB 105, concerning the circle above the party designation on ballots. (To Executive Departments)

HB 243, clarifying the meaning of "incompatible offices" in RSA 669:7. (To Executive Departments)

HB 318, relative to the amount of insurance which need be carried on mortgaged property. (To Insurance)

HB 293, concerning regional vocational education advisory committees and transportation costs. (To Education)

HB 96, relative to the form and availability of copies of checklists. (To Executive Departments)

HB 312, increasing the number of signatures needed to nominate a candidate by nomination papers. (To Executive Departments)

HB 78, updating obsolete motor vehicle laws and conforming New Hampshire motor vehicle laws to the Uniform Vehicle Code. (To Transportation)

HB 225, relative to elected planning boards. (To Development, Recreation & Environment)

HB 61, relative to the reporting of deer killed. (To Development, Recreation & Environment)

HB 270, relative to changing the date for submission of the Rockingham county budget. (To Executive Departments)

HB 231, legalizing the Mont Vernon town meeting. (To Executive Departments)

HB 334, relative to capital expenditures requests. (To Finance)

HB 104, relative to restricted licenses. (To Transportation)

HB 235, to allow the use of billing statements in making small loans. (To Public Affairs)

HB 76-FN, to expand the authority of direct care employees at Laconia state school to administer medications. (To Public Inst/Health & Welfare)

HB 262, requiring automatic fire warning systems in all new and existing single family dwellings completed or substantially rehabilitated after January 1, 1982. (To Public Affairs)

HOUSE CONCURS

Mr. President:

The House of Representatives concurs with the Honorable Senate in the passage of the following entitled bills sent down from the Honorable Senate:

SCR 2, establishing the New Hampshire Bicentennial Commission on the United States Constitution.

SB 15, extending the degree granting authority of Magdalen College.

SB 11, recodifying RSA Title XX and relocating certain RSA chapters.

Recess.

Out of recess.

HOUSE NONCONCURS WITH SENATE AMENDMENT AND REQUESTS A COMMITTEE OF CONFERENCE

HB 117-FN, relative to sunset review of New Hampshire housing finance agency.

Sen. Wiggins moved to accede to the request for a Committee of Conference.

Adopted.

The Chair appointed Sens. Brown, Wiggins, and Stabile.

ENROLLED BILLS AMENDMENTS

HB 47, an act relative to the nonresident license for the taking of small game animals and small game birds. Ought to pass. Sen. Lamontagne for the committee.

Enrolled Bill Amendment to HB 47

Amend RSA 214:9, VII-b as inserted by section 2 of the bill by striking out lines 2 and 3 and inserting in place thereof the following:

as defined in RSA 207:1, XXXVI, for 3 consecutive days, \$12.50, and said agent shall thereupon issue a 3-day game license which shall entitle

SEN. LAMONTAGNE: This amendment deletes an extra three from the paragraph and also corrects a typographical error.

Amendment adopted.

HB 120-FN, relative to sunset review of the department of education — financial aid to districts. Ought to pass. Sen. Lamontagne for the committee.

Enrolled Bill Amendment to HB 120-FN

Amend the title of the bill by striking out same and inserting in place thereof the following:

relative to sunset review of the board of education — financial aids to districts.

SEN. LAMONTAGNE: This amendment changes the title to conform to the agency name used in the sunset schedule.

Amendment adopted.

HB 121-FN, relative to sunset review of the department of education — veterans education service. Ought to pass. Sen. Lamontagne for the committee.

Enrolled Bill Amendment to HB 121-FN

Amend the title of the bill by striking out same and inserting in place thereof the following:

relative to sunset review of the board of education — veterans education service.

SEN. LAMONTAGNE: This amendment changes the title to conform to the agency name used in the sunset schedule.

Amendment adopted.

HB 122-FN, relative to sunset review of the department of education — instruction division. Ought to pass. Sen. Lamontagne for the committee.

Enrolled Bill Amendment to HB 122-FN

Amend the title of the bill by striking out same and inserting in place thereof the following:

relative to sunset review of the board of education — instruction division.

SEN. LAMONTAGNE: This amendment changes the title to conform to the agency name used in the sunset schedule.

Amendment adopted.

HB 124-FN, relative to sunset review of the department of education — fire service training. Ought to pass. Sen. Lamontagne for the committee.

Enrolled Bill Amendment to HB 124-FN

Amend section 1 of the bill by striking out line one and inserting in place thereof the following:

1 Sunset; Board of Education — Fire Service Training Renewed.

SEN. LAMONTAGNE: These amendments conform the agency name used in the bill to the agency name used in the sunset schedule.

Amendment adopted.

HB 126-FN, relative to sunset review of the department of education — school nutrition. Ought to pass. Sen. Lamontagne for the committee.

Enrolled Bill Amendment to HB 126-FN

Amend the title of the bill by striking out same and inserting in place thereof the following:

relative to sunset review of the board of education — school nutrition

SEN. LAMONTAGNE: This amendment changes the title to conform to the agency name used in the sunset schedule.

Amendment adopted.

HB 206-FN, relative to sunset review of state library — central library services. Ought to pass. Sen. Lamontagne for the committee.

Enrolled Bill Amendment to HB 206-FN

Amend section 1 of the bill by striking out line 2 and inserting in place thereof the following:

library services, PAU 010801, is hereby renewed to comply with RSA 17-G.

SEN. LAMONTAGNE: This amendment corrects an incorrect PAU number in the bill.

Amendment adopted.

HB 59, relative to the penalty for the selling of deer or parts thereof. Ought to pass. Sen. Lamontagne for the committee.

Enrolled Bill Amendment to HB 59

Amend RSA 208:21, IV as inserted by section 1 of the bill by striking out line 3 and inserting in place thereof the following:

or guilty of a felony if any other person.

SEN. LAMONTAGNE: This amendment corrects a drafting error in the penalty section. Under the criminal code, "other persons" can be guilty of a felony only, so the reference to Class B is deleted.

Amendment adopted.

HB 130, relative to sunset review of advisory board for technical services — health area. Ought to pass. Sen. Lamontagne for the committee.

Enrolled Bill Amendment to HB 130

Amend section 2 of the bill by striking out line one and inserting in place thereof the following:

2 Advisory Committee Membership Increased. Amend RSA 188-A:7 as

SEN. LAMONTAGNE: This amendment corrects a citation error in the amending clause.

Amendment adopted.

HB 182-FN, relative to the sunset review of the department of public works and highways — administration. Ought to pass. Sen. Lamontagne for the committee.

Enrolled Bill Amendment to HB 182-FN

Amend the bill by striking out sections 1 and 2 and inserting in place thereof the following:

1 Sunset; Department of Public Works and Highways — Administration Renewed. The department of public works and highways — administration, PAU 040401, is hereby renewed to comply with RSA 17-G. The agency or program shall terminate on July 1, 1987, subject to RSA 17-G.

2 Effect of Later Enactments. Passage of this act renewing the department of public works and highways — administration

shall not limit any subsequent legislative action affecting this agency or program. The general court shall retain its full power to make amendments to or to terminate the department of public works and highways — administration, pursuant to RSA 17-G:9.

SEN. LAMONTAGNE: This amendment to the title and the bill corrects an error in the name of the PAU which is renewed so that the PAU corresponds to the name used in the sunset schedule.

Amendment adopted.

INTRODUCTION OF SENATE BILLS

Sen. Brown offered the following resolution:

Resolved, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 70-FN through SJR 1-FN shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

SB 70-FN, to establish a fund from DWI fines to be used for the education and rehabilitation of offenders. (Sen. Preston, Dist. 23; Rep. Hollingsworth, Rock. 12 — To Judiciary)

SB 71, to reduce the statute of limitations for personal actions from 6 years to 3 years. (Sen. Bergeron, Dist. 6 — To Judiciary)

SB 72-FN, requiring agencies to justify any new forms and to review existing rules. (Sen. Conley, Dist. 3; Sen. Podles, Dist. 16; Sen. Sanborn, Dist. 17; Sen. Wiggins, Dist. 8; Sen. Brown, Dist. 19; Sen. Monier, Dist. 9; Sen. Roy, Dist. 22; Sen. Lamontagne, Dist. 1; Sen. Bergeron, Dist. 6; Sen. Mann, Dist. 11; Sen. Stabile II, Dist. 12 — To Executive Departments)

SB 73, reinstating the corporate charter of Newfound Acres, Inc. (Sen. Hough, Dist. 5 — To Executive Departments)

SB 74-FN, requiring agencies to justify any proposed rules and to review existing rules. (Sen. Sanborn, Dist. 17; Sen. Wiggins, Dist. 8; Sen. Roy, Dist. 22; Sen. Brown, Dist. 19; Sen.

Stabile II, Dist. 12; Sen. Podles, Dist. 16; Sen. Conley, Dist. 3; Sen. Bergeron, Dist. 6; Sen. Lamontagne, Dist. 1; Sen. Mann, Dist. 11; Sen. Monier, Dist. 9 — To Internal Affairs)

SB 75-FN, authorizing the regulation of hawkers and peddlers by towns. (Sen. Blaisdell, Dist. 10 — To Executive Departments)

SB 76-FN, authorizing cities and towns to determine alternate routes for the transportation of liquified energy gas. (Sen. Splaine, Dist. 24; Rep. Cotton, Rockingham 20; Rep. Camuso, Rockingham 19; Rep. Splaine, Rockingham 19; Rep. Connors, Rockingham 21; Rep. Read, Rockingham 23; Rep. MacDonald, Rockingham 20; Rep. Pantelakos, Rockingham 23; Rep. Wood, Rockingham 22 — To Development, Recreation and Environment)

SB 77-FN, to provide for the appointment of electrical inspectors. (Sen. Wiggins, Dist. 8 — To Public Affairs)

HB 78-FN, relative to communities allowing railroad cars holding certain gases to stand on sidings. (Sen. Splaine, Dist. 24; Rep. Camuso, Rockingham 19; Rep. Splaine, Rockingham 19; Rep. Connors, Rockingham 21; Rep. Read, Rockingham 23; Rep. MacDonald, Rockingham 20; Rep. Pantelakos, Rockingham 23; Rep. Cotton, Rockingham 20 — To Development, Recreation and Environment)

SB 79, requiring sessions for correction of the checklist before town meetings. (Sen. Roy, Dist. 22; Rep. Flanagan, Rockingham 6 — To Executive Departments)

SB 80, relative to the appearance of certain referendum questions on the ballot. (Sen. Preston, Dist. 23 — To Executive Departments)

SB 81, relative to the purchase of milk. (Sen. Kelly, Dist. 14 — To Development, Recreation and Environment)

SB 82, permitting the broadcast of public notices on radio and television. (Sen. Bergeron, Dist. 6 — To Public Affairs)

SJR 1-FN, creating a new special committee to study revenue reform at all levels of government. (Sen. Blaisdell, Dist. 10; Rep. Aeschliman, Rockingham 18; Rep. Ramsey, Hillsborough 33; Sen. Mann, Dist. 11; Rep. Peters, Hillsborough 9; Rep. Quimby, Rockingham 4 — To Ways and Means)

Recess.

Out of recess.

Sen. Bergeron in the Chair.

COMMITTEE REPORTS

HB 172-FN, relative to sunset review of the department of education — manpower development and training. Ought to pass. Sen. Kelly for the committee.

SEN. KELLY: The committee met to receive testimony, and hearing no opposition the committee recommends ought to pass.

Adopted. Ordered to third reading.

HB 91, extending degree granting authority of Castle Junior College. Ought to pass. Sen. Kelly for the committee.

SEN. KELLY: The committee met regarding the degree granting authority of Castle Junior College and hearing no opposition they recommended ought to pass.

Adopted. Ordered to third reading.

HB 9-FN, making an appropriation to cover the 1980 fiscal year deficit in funds appropriated for handicapped education. Ought to pass. Sen. Kelly for the committee.

SEN. KELLY: The committee took considerable testimony on this bill. Sen. Blaisdell has some facts and figures for us which answer some questions that Sen. Chandler raised and I hope that he will be called upon to bring them forward.

SEN. BLAISDELL: Sen. Chandler you asked some figures to be brought on the floor explaining the bill. If you will take the bill on page 1 and 2. Looking at that, you want to know about the \$7,665,296 figure, what was the difference between the \$7,907,460. The way we got to that, Sen. Chandler and other members of the Senate, federal revenue sharing comes to \$5,513,956, from the general fund of the State of New Hampshire we add \$242,164, which brings you up to that \$5,756,120. We go down the line, there was a supplemental appropriation in 1980 in our last session of \$1,500,000. If you add these all up then we are hoping that this supplemental appropriation in HB

9, which is \$651,000, will pass and will come to that figure of \$7,907,000. Now to get to the problem that you asked in the committee, the reason that that other figure is there, \$7,665,296, is because they just subtracted the \$242,000 from the general fund figure, and that's how you get the two figures. It took a lot of time in LBA and a few other areas senator, but we've got it for you. If you'd like to ask any questions I would be glad to answer them.

SEN. CHANDLER: I'm just going to stand up and say that we are wholeheartedly in support of this bill. I would certainly hope that the Senate would move this ought to pass.

SEN. MONIER: I would like to ask that each Senator recognize that there are two amendments to this bill. The one that we are taking up first is 7915A, so that you may separate the two. I also want to rise ahead of time and say that I support both amendments. I'm going to ask Sen. Blaisdell to introduce the second amendment. On the first amendment that is offered at this particular time, I think that it is clearly stated in the statement of intent, what we are doing. I would like to add to it a statement, and I would be glad to answer any questions on it to make it certain that the intent of what we are doing is clarified in the Journal, for the Press, for the public and for all the Senators. It is no news to the members of the Senate that New Hampshire has an unprecedented fiscal problem. Part of this problem is the problem of special education to the handicapped. There is concern on the part of the recipients, the providers, the administrators, and the legislature, and the legislature is only one part of those ingredients, that we are over spending. We owe bills for 1980 and 1981. We all know that we have had in the recall session for 1980, I believe it was, and that was part of the figures that Sen. Blaisdell just gave to Sen. Chandler as to why we had that particular appropriation. We now have before us a bill for six hundred and some odd thousand dollars to take care of again, a deficit or an expenditure unanticipated in 1980. The bill we have before us today is an example, I think, of ignoring the hard, cold facts and dealing only with the convenient portion of the problem. This bill would fund the 1980 special education deficit, the amount of \$651,340, but it completely ignores the fact that we have an additional \$6 million deficit for this fiscal year. As the Senate Finance Committee moves forward in the difficult task of presenting a realistic outline of this state's fiscal problems, and the Ways and Means Committee will

be moving forward very shortly on the difficult task of determining if we can find additional revenue for the 1982-83 biennium, it is important that we deal with the facts as they are, not as we wish they were. It is time we clear the decks, pay last year's bill and this year's bill in this biennium so that we know exactly how big a hole we are in when we start the next biennium on July 1, 1981. Therefore there will be presented to us this afternoon an amendment proposing to pay the \$6 million current deficit for 1981 as well as what is now on the current bill of \$651 thousand plus for 1980. Trying to hold this year's payment until next year is just trying to fool the people into thinking things are better than they are or different from what we know exists. The total deficit in this problem area is \$6,651,340. Acknowledging it, paying it, as a single problem does not increase or decrease in any way the deficit that Sen. Bergeron, myself, and Sen. Sanborn have been saying would be part of the deficit. It matters not when it is paid except to the providers, the recipients, the towns and cities. That's very important. Acknowledging it and paying it now still does not change our deficit for next year. The members of the Senate know that I have tried to tell it as it is, as the Finance Committee has done from the beginning. The way it is now, is that we owe \$6,651,000, not just \$651,000. The other amendment that I am speaking on today, at this moment, deals with curing the problems rather than addressing the constant symptoms. This is the third time that we have had before the Senate, before the Legislature, a request for additional funding in the special education for the handicapped program in this state. Not the first, not the second, but the third time. We are behind from 1980, we know how much we owe in 1981. That is dealing with the symptoms. I am asking that you approve the amendment that I offer you now on HB 9, which will repeal the current laws relating to education of the handicapped as of the end of this current school year. We selected a date, June 30, 1981. I can assure the Senate that the intent of that is not to see to it that we have no education for the handicapped after June 30. If you read the intent, which I will do at this particular moment, we do not suggest, and I repeat, that there is no need for this educational program. Furthermore, I will tell you quite frankly, that I will vote for a bill that comes through to continue special education for the handicapped in 1982-83. The question that I raise with this is expressed I think

very well, and succinctly in the intent. The purpose of this section of this act repealing RSA 186-A, which includes the law which we are currently operating one, is to provide incentives to implement all necessary legislative action to revise and restructure the law relating to the education for the handicapped. Any such legislation would then take into account all recent changes funding available for education to the handicapped from either state sources or federal sources. Now quite frankly, some of the federal sources will have to be guessed at, as they were two years ago, as we do not yet have a passed bill in Congress which has changed what their funding was supposed to be to us. But for your information, they only sent us 10% of what we asked for. Mr. Boucher, who is a guest on the floor today, recognizes what I am saying. What that really means is that somewhere along the line, in the new bill that we will have before us before June 30, 1981, the end of this session, we will have the opportunity to put as much input as possible into it both from a state funding formula, federal changes that may be made and are now being considered. Let me digress for a moment, I don't know whether all of you are aware or not, but the analysis has been sent forward from what our President has sent to Congress and in one part of that is forty-four programmatic changes in educational program funding. This would include both state and local levels. In those forty-four are two or three which directly relate to special education for the handicapped. No one yet knows exactly what those figures are going to be or what Congress will pass. It is intended that the study of such legislation with a full awareness of the intent of the legislature, that everyone from the providers to the recipients to the legislature, and to all of those who are interested in this, recognize that what we now have on the books is not going to be what we are going to be dealing with in the following biennium. The simplest way to do that is to lay that problem right out there very forthsquare and open and say that the current law that we are operating under will cease to exist on the thirtieth of June and under our intent it is intended that the study of such legislation, meaning to provide it for the legislature, will involve cooperation between the Senate, the House, the Governor's office and that public hearings will allow education providers, recipients and the public to express their views on any proposed changes. At this point, as President of the Senate speaking from the floor, I charge the chairman of the Education Committee of the

Senate to do exactly that which we have discussed. I cannot change the House chairman, who is visiting with us, to do that but I'm sure that he already has that charge. The point I'm trying to raise is that you have two other elements involved. There is currently, at the town, city and municipal level, and at the state level, planning going on for the next year to continue and to handle education for the handicapped. The problem is all that planning is going on on legislation that is currently on the books which there is no question in anybody's mind, is not going to be the same. The Governor has appointed under an executive order, or at least is in the process of appointing, a committee to deal with this. The House is already working on revisions of a variety of natures to that law. The Senate will have that bill, and I urge them once again to jointly work with the House Education Committee on it. We have Congress that is involving it. You have a potpourri of all kinds of conditions over it which we have control of. To me there is no sense of any of us pretending. We have a right to make policy statements, we have a right to declare what our intent is. The intent of this amendment is very basic and very simple and I say it again, it is to let the public know what we are doing under special education handicapped laws are not what we are going to be doing one year from now, in the next school year. It's the simplest way, tell them so. We are dealing with the idea and intent as stated, that we intend to put a new law into effect by June 30, 1981.

SEN. BLAISDELL: Sen. Monier, so that the people in the balcony and other people in this room can breathe a little bit easier. For the record, it is not the intent of this Senate to repeal the handicapped education law, is it Sen. Monier?

SEN. MONIER: To continue it, no. To repeal the current one, yes.

SEN. BLAISDELL: Isn't this really a way to have a revision of this chapter and have it include in it the new funding formula? Isn't that the way it should be done, Senator?

SEN. MONIER: Yes, certainly it should. I feel very strongly that the revision of a formula is only part of that problem. That's one which they are dealing with right now. It's once again a treatment of the symptom. But how can we say that that's all there is to do with it. The way to force the issue and to implement and to initiate action necessary to do anything that needs to be done to accomplish two things: One is to make

sure that there is education for the handicapped next year, and within the best guidelines of the time between now and June 30 that we have, both fiscal and financial, both state and federal, is to force the whole complete revision and awareness and look at that law that is now there. And that's the record.

SEN. CHANDLER: Sen. Monier, this proposed amendment changes the title of the bill, right?

SEN. MONIER: My proposed amendment, I do not think, changes it any differently than what the bill is. Wait, yes it adds to the title.

SEN. CHANDLER: The second amendment makes another change in the title, does it not?

SEN. MONIER: Yes, it adds another appropriation for 1981.

SEN. CHANDLER: I don't want to debate, but it doesn't add anything it just takes out.

SEN. MONIER: Oh, it does add, I'm sorry, it does add quite a bit.

SEN. CHANDLER: From the title, sir?

SEN. MONIER: Well, the amendment title is an act making, you're talking about the second amendment now, making an appropriation to cover the deficit in funds appropriated for handicapped education for the biennium.

SEN. CHANDLER: Does not the second title eliminate from the first title, and repealing RSA 186-A?

SEN. CONLEY: I believe Sen. Chandler, that if you look at the drafting numbers that 7912A was drafted before 7915A and the President of the Senate has chosen to talk on 7915A before 7912A. So in ordinary procedure 7912A does not change the title, 7915A does change the title. So it is a matter that he has talked to one amendment before the other.

SEN. CHANDLER: Does not both of them, both of the titles that you just addressed yourself to, differ from the original title?

SEN. CONLEY: Yes they do.

SEN. LESSARD: I rise in opposition to the proposed amendment. I do so fully recognizing that we have problems with the current legislation that is on the books. There are problems which I hope to address along with Sen. Conley. Both of us are going to be serving on the Governor's special committee that was appointed to look into this problem. But the reason that I stand here in opposition to the proposed amendment is that I feel strongly that the process under which the legislature oper-

ates and has operated is not the correct one the way we are going now. The history of the legislature over the last few years has not been good when we have had a gun put to our head, and that's what this legislation proposes to do. Four years ago we had a deadline of July 1st to deal with the state budget, we passed a continuing resolution, we voted down one budget after another and it was October before we dealt with that budget. I have great fears that we will not be able to reach an agreement. There are a number of issues here that are hotly contested. Among them is raising the age to start this education, going from 3 to 6. What if we do not reach agreement. The state would stand naked against the federal statutes. The federal mandate is that a free and appropriate education be provided for all handicapped children and if the state doesn't pick up the cost for that the locality would, or programs will not go on. Local communities will be responsible for \$12 million in mandated programs. The process that I believe makes most sense is to work with the House, who are about to introduce a piece of legislation that would do essentially what Sen. Monier is discussing, and the Governor, who ultimately has to agree with what we are going to do. The process I feel the strongest about is that there should be an opportunity for the public to address these issues at a public hearing. This is really the first opportunity that the public at large has had that this issue was coming up today. President Monier did come before the Senate Education Committee and inform us that he was going to do something about it. But the fact of the matter is that if we cannot with the House, if we cannot agree with the Senate over the course of the next few months, we simply don't know what the ramifications are going to be. This amendment is going to pass no matter what I say here today and I recognize that and let me just say today that I feel that we are throwing the baby out with the bathwater in this instance. If the amendment does pass I pledge to you that I will work to write the most effective law we possibly can before the session ends.

SEN. MONIER: I recognize where we both stand on this issue, but I have to pose two or three questions to you from what you have stated. Number one, the exact reason that I offered the amendment is exactly why you say we should not vote against it and that is perhaps we cannot reach agreement. Would you believe that if we did not reach agreement with the

law on the books that you would still have the same situation you have now?

SEN. LESSARD: I don't believe that.

SEN. MONIER: Well, if we have no agreement will you tell me how we could possibly change that law that is on the books?

SEN. LESSARD: It's my understanding, Sen. Monier, that if we repeal the state statutes, the local communities would be required, in order to receive federal funds, to continue their programs. However, there would be no state funds to help them, and in this case \$12 million in this fiscal year. That cost would be passed on to the local communities who could not afford special education at its present cost, today. So, yes, programs may continue but I think most communities couldn't afford them and probably would not offer them.

SEN. MONIER: You talked to the second question I was going to ask you, you did not answer the first though, Sen. Lessard because I said to you, would you tell me how you would change the current law if there was no agreement between the House and Senate by June 30. Which means therefore the current law obviously would continue. You said you didn't think it would but I don't know how it would change.

SEN. LESSARD: As I said, I do find problems with the current law but I frankly and honestly feel that the law that is on the books is better than no law dealing with handicapped children at all.

SEN. MONIER: Would you believe that I thoroughly agree with you and that's exactly the reason for this amendment, so that I will be assured there will be a law on the books come June 30, that is workable, responsible and takes into effect both the public and the community. For example, in your speech, or in your presentation, you indicated that there would not be a public hearing, the truth of the matter is, if you have no law on the books by June 30 and everyone now knows that if we pass this amendment, then I will tell you very frankly that every education committee and the Governor and everyone else is going to have to hold public hearings instead of concerning themselves with just formula.

SEN. LESSARD: Thank you for your question. I simply feel that the best way to deal with it is to bring out a special legislation if you want to repeal this. Or if you want to adjust it, bring in a bill so that the public has an opportunity to

address it and we can debate it here and not just receive the amendment five minutes before the session.

SEN. MONIER: You can not mean that you are implying that because we are to pass this amendment there would be no public hearing on what would happen to the bill?

SEN. LESSARD: I presume Senator, that you are going to send it off to the House after today's session.

SEN. MONIER: That has nothing to do with the question. The implication you are making, Senator, is that if we pass this amendment there wouldn't be any public hearing on what bill is going to be presented to legislature. And that implication is incorrect, would you agree?

SEN. LESSARD: I would say that you are correct. I would also say that the repeal of all handicapped legislation is far reaching in nature and that should have a public hearing.

SEN. RICE: Just one question, Sen. Monier, you just indicated in responding to Sen. Lessard that if this 186-A is repealed that you could guarantee that there would be a law by June 30 to replace what we have repealed.

SEN. MONIER: I did not use the words guarantee and I think the record on the tape would show that. The truth of the matter is I wouldn't guarantee that if we don't repeal it that there would be any different law on the books either and that concerns me even more.

SEN. RICE: You are saying that if we repeal it today then there is no guarantee that come July 1, 1981 that there will be a law regarding special education in the state of New Hampshire.

SEN. MONIER: I would respond to you that if we do it today I would be more likely to guarantee that a proper law would be on the books than what we now have. That's my response. It's exactly why I'm supporting it.

SEN. LAMONTAGNE: Senator, the way that I understand is that if this repeal does happen it doesn't stop the House to come in here with a bill for the handicapped, is that correct?

SEN. MONIER: No, it would not stop the House from coming in with a bill. I would hope it would encourage them to.

SEN. LAMONTAGNE: Your intention is for this repeal is to have some type of law by June 30.

SEN. MONIER: It is more than that. It is that I know we need a law by June 30 and I want that law to deal with all the

problems that are going to be faced by June 30. By repealing it I know that we will have to deal with all aspects of it, not selected ones.

SEN. PRESTON: To preface my remarks, I've been around here a little while and I should know better but from now on when I come in before I go to the session I'm going to see what the President of the Senate is wearing and if he's got a nice suit and tie on I'll know we're in for a legislative surprise, as I was last week. I'm going to support the bill as it originally came in and oppose the amendments. The bill as I understand it appropriates an additional \$651,340. This appears to me to be a case of political one-up-manship. No one is denying that we owe this money and I think we all recognize the need to address the problem, maybe even a total rewrite of the legislation as it pertains to the subject. Rep. Boucher is doing just that in his committee in the House, reviewing the statutes line by line, holding hearings, allowing for public input, and he's got another hearing scheduled for tomorrow. There's no question that we are now operating under a blank check approach to this and a formula changes or caps may be essential. But to act today to repeal a current law related to education of the handicapped does no more than what the House is in the process of doing anyway in a very orderly manner. Their changes in effect will repeal the existing law but the procedure they follow through their public hearings and the time spent on coming up with the best bill will result in well thoughtout conclusions to the benefit of the towns and the handicapped we pretend to serve here. We share similar feelings that something has to be done. My preference would be to have a sensible alternative in place before taking this action today. I think the House action through the representatives committee will do just that. With all due respect to the President of the Senate as a political strategist I view this today as typifying his sledgehammer approach to achieve a solution that can be done surgically and legislatively. I view this as another politically motivated move and it appears strange to me that when I walked in the Chambers in the outer lobby that I was given a news release of the President's remarks but yet I was unable to attain a copy of the amendment until five minutes before we were to debate this issue. Personally I feel much more comfortable with workable legislation in place so that we would not face a void in the event we were not able to reach an agreement. I think that by taking this action today

there is a distinct possibility that that could occur and leave the towns and cities and the school boards in a real dilemma in making their determinations.

SEN. CONLEY: I'm glad to hear Sen. Preston is appalled again. I guess that gets us off and started. I personally Mr. President, have been one of the sponsors of special education bills for the handicapped children in this state since they were initiated. I am going to support this amendment and I would not support this amendment if I felt that for one second it was going to endanger the special education program for handicapped children in this state. I, along with other Senators, have been invited to address school boards and to attend meetings where special education was the main feature. I can tell this Senate that time and time again the school district people were asking for a change and that they want a change expeditiously. They are concerned that we would be going into next fall before there would be any change in the current statute. And they are concerned and confused as to what to do at this point. I have served on interim study committees and I have served on task force and I have served on special committees, and the one thing that never is brought to bear on those committees is to deliver their reports on time. They drag on and on and on, and this is historical in the political process. I believe what we are trying to say today in this amendment is that we want the job done, we want it done right, and we want it done expeditiously. This is in answer to many, many school districts that are asking for this type of action.

SEN. BLAISDELL: I rise in support of this amendment. I know that may shock a few people but I'm in favor of this amendment. The reason I'm in favor of it is because I believe in the intent of the amendment, I believe it sincerely. I also believe the people who have been writing to me for the past two-three months telling me, and also telling you, that their programs as of February 1 or March 1 are going to be discontinued. I also believe the people who have written to me and told me about the \$651,000 that we owe from last year. I think we should pay that bill. I believe sincerely that we can send out the word to the people in this state and also to the people in this balcony, that by amending it with the \$6 million which I intend to do immediately after I get through speaking and anyone else who wants to speak, that our intent is there, that we are an honorable body and this is not Sen. Monier's

bill, period, this is not Sen. Monier's bill, there are a lot of names on here. I speak to this bill because I think it's a responsible thing to do to the people who are waiting out there in my district and yours, wanting to know what's going to happen to special education for the handicapped children from now until June 30. Everyone of you in this room knows. There's never been anybody anymore strong for handicapped education that Sen. Blaisdell has in the twelve years he's been here. I think I really object to even any implication that he has any other idea in mind but to rewrite that law because it is the responsible thing to do. It is a responsible thing for this Senate to do. It is a responsible thing for this Senate to pass the \$651 thousand and it's responsible to pass the \$6 million. It's the responsible thing to do and send it back to your districts. We can work this out, this is not a partisan issue, we can work this out. I ask your support of this. I want the people in this balcony to know that I've not gone against my word, I'll be on their side at any time. I'll work very hard to rewrite that law and it will be done before June 30, 1981.

SEN. LESSARD: Senator, wasn't it a responsible thing for the legislature, four years ago, to pass a state budget?

SEN. BLAISDELL: Yes, it was.

SEN. LESSARD: And wasn't it months before they finally did?

SEN. BLAISDELL: We had some serious problems with it. Yes it was Senator. But we did pass it though.

SEN. LESSARD: And couldn't that happen again with special education?

SEN. BLAISDELL: I don't think so Senator. Not right now. I don't think so. I think that the responsible approach as I said is to get our \$651 thousand and our \$6 million and get the districts in this state through to June 30, 1981. Then pass another law that will reflect the federal changes and the dollars that the state of New Hampshire, you and everyone in this room, have stated that they do see some problems with the law. I think that's what we'll be working for, I think that's what Bill Boucher has been working for, and Betty Jo Taft in the House. I think that committee has worked hard. I'm sure that Sen. Kelly in his Education Committee, that you are vice-chairman of, will work very hard. I'm sorry Senator that you and I don't agree in this because I think a lot of you and I think that you and I had the same views most of the times

when we were in the House and now that you're in the Senate. This is one time that I'm sorry that we have to disagree.

SEN. LESSARD: Well, Senator, I pray that you are correct.

SEN. BLAISDELL: I am correct.

SEN. RICE: My concern and my opposition to this bill is not at all directed toward the President of the Senate personally, as you alluded to earlier. I guess my question to you is, As a member of the legislature we pass laws, we repeal laws, and we amend laws, historically we have repealed laws which have been obsolete. I don't think there is one member of this Senate that believes that special education is obsolete. Why can we not amend an existing law that we all concur needs to be amended as opposed to repealing something? You can not guarantee me any more than Sen. Monier can guarantee me that on July 1st we are in fact going to have a special education bill. I regrettably would have to concur with Sen. Lessard that it is probably better to have a bad bill than to have no bill. If we're just as concerned with the bad bill, then why can't we dedicate ourselves to correcting a bad bill through an amendment rather than just repealing it now and having everyone standing here saying I promise we will have another bill, or I will work hard to make sure we have another bill, but no one can guarantee it.

SEN. BLAISDELL: That's quite a long thing to answer, but you know one of the hardest things in referring I ever had was to be able to call the charge-block, there was always a disagreement on it. I think this is the way you are interpreting it here Sen. Rice. I just interpreted it a different way. I think by what we're doing today will insure us of a new special education bill before June 30, 1981. Sincerely, if I didn't think that I wouldn't be on my two feet today standing before this Senate and maybe opening myself up to some real tough criticism. I think the people have to think about this really, what we're trying to do. I again repeat, this is not a Sen. Monier bill, my name is on it too. I like to think I'm a very responsible person and I like to think that we will pass some good legislation and take care of the handicapped people of this state.

SEN. MONIER: You did not mean to imply that I'm irresponsible, did you?

SEN. BLAISDELL: No.

SEN. MONIER: Okay, I just wanted to make sure.

SEN. HOUGH: I rise in support of both of the amendments and the passage of this bill, which first and foremost meets our responsibility. It meets our responsibility inasmuch as it appropriates \$6.6 million dollars. It appropriates \$6.6 million for a program that is in existence and for services which have been rendered. We keep talking about what our responsibilities are and each of us will have our own definition of them. As a legislator I've always maintained that my first and foremost responsibility, when it came to dealing with the people's money, was to never allow yourself to be in a position where you were spending in excess of your revenue. Each and every one of us have programs we favor and we work very hard for. It's just the type of situation we find ourselves in now, where good intended legislators a few years back responded to a situation where the federal government said that we will go into the area of special education. We did it in all good sincerity, we pass a piece of legislation that didn't have the constraints on it. It was in excess of our abilities and now we find ourselves in a situation where within three months we go into a new biennium and we are \$6.6 million off the mark. It would be lovely and preferable to redefine the special education bill by amendment on to this piece of legislation, but I think its a very serious situation when you have to appropriate \$6.6 million. I think that the point is that you at this point have to pay these bills. To appropriate the money and make no mention to redefinition of the special education legislation is very definitely irresponsible. What we are doing is we are paying our bills, we are paying our bills and we're telling the people that we are going to continue to meet our responsibilities but we are going to have to do it in a fashion that is such that it won't allow us to be in an open ended program. We all have our own constituencies to be concerned with. The Lebanon school board last week made the statement that they don't want to continue with their contracts in the regional training center. I've got to return home tonight where my wife is a trustee of the training center and she wants to know why are we taking this action when we're \$6.6 million and the school board wants to stop their commitment. It doesn't serve well for me to tell her that the federal government chose not to

return federal revenue sharing monies to the state. The more we explain that we took a responsible approach by passing the federal revenue sharing monies that the state received back to the local community, that doesn't answer it. The state of New Hampshire's responsibility is special education and we're going to have to develop a program between now and June 30 that will continue to meet these responsibilities but will allow us to do it within our resources. Any of you who are concerned about the politics of the day, not allowing us to have a new special education bill, should think of what measures that they could take as individual Senators. I can tell you this, one of the most serious situations I've experienced in this Legislature for the last ten years, was any given member voting against the appropriation bill. I can also tell you, and I will make this commitment to the people in my area, that if we are not in a position by June 30 to have a special education program in the next biennium, I for one will not vote for the passage of the appropriation bill. What this means is, if we don't have a budget on July 1 we will be here all summer. Among other things we will be able to position ourselves during the summer is a special education bill. Now that's a very extreme position to take but I'm committed not only to special education, I'm obviously committed to continuing with an appropriation bill. That's my pledge on this legislation. We should pass both amendments, allow these districts to be paid immediately, and commit ourselves, charge ourselves to redefining the special education with a new piece of legislation before June 30.

SEN. LAMONTAGNE: I personally, when I came out of my office this afternoon and was coming down here to the session, I was committed to be in favor of the proposed repeal as it was presented by our Chairman of Finance, Sen. Monier. The reason I had taken my name off was because I felt I was going to be hurting the handicapped people. After listening to the discussion on the floor today, regardless of whether the amendment was given to us only five minutes before, I feel that I have gained enough knowledge to know how I want to vote. I feel that after hearing Sen. Monier and other members of the Senate Finance committee speak, after all it is the members of Finance Committee who are really going to make the decision and a report to this Senate, I support this amendment. By a majority vote we've already said that the Senate would go

along in drafting a budget. Therefore I feel and have enough confidence in the Finance Committee, in what they're saying, and as I've questioned the Chairman of the Finance Committee in reference to legislation coming from the House coming before this Senate, that this repeal would not stop that bill from coming in here. Therefore I wish to say that I have enough confidence in the Finance Committee that the handicapped people are not going to get hurt. I don't believe that there is a Senator here today that would want to hurt the handicapped people. I feel that the word of the Finance Committee members that the repeal will not hurt the crippled children funding, therefore I am going to support the repeal. the repeal.

Sen. Monier moved an amendment to HB 9-FN.

Sen. Lessard moved the previous question.

Adopted.

Amendment to HB 9-FN

Amend the title of the bill by striking out same and inserting in place thereof the following:

making an appropriation to cover the deficit in funds appropriated for handicapped education for the biennium and repealing RSA 186-A.

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Repeal. RSA 186-A relative to the program of special education is hereby repealed.

3 Statement of Intent. The purpose of section 2 of this act repealing RSA 186-A is to provide incentives to implement all necessary legislative action to revise and restructure laws relating to education for the handicapped. Any such legislation shall take into account recent changes in funding available for education to the handicapped from federal and state sources. It is intended that a study of such legislation will involve cooperation between the senate, the house and the governor's office and that public hearings will allow education providers, recipients and the public to express their views on any proposed changes.

4 Effective Date. Sections 1 and 3 of this act shall take effect upon its passage. Section 2 of this act shall take effect June 30, 1981.

Roll call requested by Sen. Conley, seconded by Sen. Brown.

The following Senators voted yes: Lamontagne, Poulsen, Conley, Freese, Hough, Bergeron, Chandler, Wiggins, Monier, Blaisdell, Mann, Stabile, Kelly, Podles, Stephen, Brown, Champagne, and Roy.

The following Senators voted no: Boyer, Rice, Lessard, Preston and Splaine.

yeas 18 nays 5

Amendment adopted.

Sen. Blaisdell moved a floor amendment to HB 9-FN.

SEN. BLAISDELL: I'm not going to belabor this I think we've talked about it. If you look at the amendment 7912A, it amends the special education law to add \$6 million for the second half of the biennium 1981 to bring the total to \$11,654,685.

SEN. BLAISDELL: I wish to be recognized again, I apologize to Sen. Chandler, if you'll allow me. One of the names that is missing from this \$6 million bill by the way is that of Sen. Lessard. For the record I want to be sure his name is on it because Sen. Lessard and I had a special bill that would have come in later on in the session for \$6 million. We agreed to put it on this way.

Sen. Chandler moved the previous question.
Adopted.

Amendment to HB 9-FN

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

making an appropriation to cover the deficit in funds appropriated for handicapped education for the biennium.

Amend section one of the bill by striking out the same and inserting in place thereof the following:

1 Department of Education; Handicapped Education. Amend 1979, 434:1.06, 03, 26, 01, 01, 91 as amended by 1979, 499: 23 by striking out said line and inserting in place thereof the following:

	Fiscal Year 1980	Fiscal Year 1981
91 Education to handicapped**	7,665,296	11,509,863

**Notwithstanding any other provision of law, the amount herein appropriated shall be paid to the school districts and shall be used by said districts for costs of educating the handicapped which exceed twice the state average cost per pupil and for no other purpose; provided, that in such districts that have appropriated sums to pay for said costs, the payments to be made hereunder shall be treated as revenue and applied to the tax base. The department of revenue administration is hereby directed to issue such rules and regulations as may be necessary to insure that in school districts which have appropriated funds to pay for costs of educating the handicapped which exceed twice the average cost per pupil, payments made from the amounts hereby appropriated shall be applied as revenue to the tax base in said districts.

and further amend said component by striking out the total thereof and inserting in place thereof the following:

Total	7,907,460	11,654,685
Estimated source of funds for special education-state:		
00 Federal revenue sharing	5,513,956	5,509,863
General Fund	2,393,504	6,144,822
Total	7,907,460	11,654,685

Roll Call requested by Sen. Conley.
Seconded by Senator Blaisdell.

The following Senators voted yes: Lamontagne, Poulsen, Conley, Freese, Hough, Bergeron, Chandler, Wiggins, Monier, Blaisdell, Mann, Stabile, Boyer, Kelly, Rice, Podles, Stephen, Brown, Champagne, Lessard, Roy, Preston and Splaine.

23 years 0 nays

Amendment adopted.

SUSPENSION OF RULES

Sen. Monier moved to dispense with the reference to Finance Committee.

Adopted. Ordered to third reading.

SUSPENSION OF RULES

Sen. Monier moved that HB 9-FN be placed on third reading and final passage at the present time.

Adopted.

Third Reading and Final Passage

HB 9-FN, making an appropriation to cover the 1980 fiscal year deficit in funds appropriated for handicapped education.

Recess.

Out of recess.

COMMITTEE REPORTS

HB 73-FN, concerning the state scholarship program set up in RSA 200-D. Ought to pass. Sen. Kelly for the committee.

SEN. KELLY: The committee met to receive testimony on this legislation, hearing no opposition committee recommends ought to pass.

Adopted. Ordered to third reading.

HB 92, extending the degree granting authority of Hesser College. Inexpedient to legislate. Sen. Lessard for the committee.

SEN. LESSARD: The education committee met and heard my testimony on this legislation, whereas the majority coalition already passed the same bill through the Senate and it had been heard before the House Education Committee and was being dealt with on the floor of the House, so we saw fit to make this particular version inexpedient to legislate. I would hope that the rest of the Senate would go along with us on that.

Adopted.

HB 93, extending the degree granting authority of Lebanon College. Ought to pass. Sen. Hough for the committee.

SEN. HOUGH: The committee met and took testimony on HB 93 and reports it ought to pass.

Adopted. Ordered to third reading.

HB 218-FN, relative to sunset review of secretary of state — legislative services. (*010703) Ought to pass. Sen. Conley for the committee.

SEN. CONLEY: Those who were in attendance at the joint hearing on HB 218-FN have recommended to the full Senate that it ought to pass.

Adopted. Ordered to third reading.

HB 134-FN, relative to sunset review of the civil air patrol. Ought to pass. Sen. Conley for the committee.

SEN. CONLEY: Those present at the hearing on the civil air patrol joint hearing with the House recommend to the full Senate that this bill be reported out ought to pass.

Adopted. Ordered to third reading.

HB 71, naming the bridge on Route 49 at Goose Hollow in the town of Thornton after Andrew Robertson. Ought to pass. Sen. Mann for the committee.

SEN. MANN: All this bill does is authorize the citizens in the town of Thornton to dedicate and name a state-owned bridge in Goose Hollow after Andrew Robertson.

Adopted. Ordered to third reading.

Sen. Monier in the Chair.

HOUSE MESSAGES

ENROLLED BILLS REPORT

HB 60, relative to the penalty for hunting, fishing or trapping after revocation of license.

HB 115, relative to sunset review of New Hampshire housing commission.

HB 169, relative to sunset review of title XX social services.

HB 194, relative to sunset review of water resources board — water resources division.

HB 195, relative to sunset review of water resources board — construction crew.

HB 196, relative to sunset review of water resources board — special board.

HB 197, relative to sunset review of water supply and pollution control commission — office of commissioner.

HB 198, relative to sunset review of water supply and pollution control commission — Winnepesaukee river basin.

HB 199, relative to sunset review of water supply and pollution control commission — subsurface waste disposal.

HB 200, relative to sunset review of water supply and pollution control commission — water supply division.

HB 201, relative to sunset review of water supply and pollution control commission — construction grants — administration.

HB 204, relative to sunset review of New England water pollution control commission.

HB 220, relative to sunset review of the division of motor vehicles.

SB 34, relative to the certification of gross truck weights in excess of 18,000 pounds.

Sen. Lamontagne for the committee.

HOUSE CONCURS

SCR 1, a resolution in memory of former Governor Wesley Powell.

ANNOUNCEMENT

Sen. Brown moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills ordered to third reading be read a third time by this resolution and that all titles be the same as adopted, and that they be passed at the present time; and that when we adjourn, we adjourn until Thursday, March 19, 1981 at 1:00 p.m.

Adopted.

LATE SESSION

Third Reading and Final Passage

HB 172-FN, relative to sunset review of the department of education — manpower development and training.

HB 91, extending degree granting authority of Castle Junior College.

HB 73-FN, concerning the state scholarship program set up in RSA 200-D.

HB 93, extending the degree granting authority of Lebanon College.

HB 218-FN, relative to sunset review of secretary of state — legislative services. (*010703)

HB 134-FN, relative to sunset review of the civil air patrol.

HB 71, naming the bridge on Route 49 at Goose Hollow in the town of Thornton after Andrew Robertson.

Adopted.

RECONSIDERATION

Sen. Brown moved reconsideration on HB 9.

Motion lost.

Sen. Rice moved the Senate adjourn at 3:05 p.m.

Adopted.

Thursday, March 19, 1981

The Senate met at 1:00 p.m.

A quorum was present.

The prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Lord, as we come into Thy Presence today, we implore Thy blessing upon each and everyone of us.

Show us the way to overcome the difficulties which lay heavily upon us — as well as the nation and the world.

In our time grant us the knowledge and power to rectify these pressing needs and situations — and the peace, unity and concord which shall reign.

Amen

Sens. Blaisdell, Conley, Brown, and Preston are out today on official Senate business. Because of this they should not be considered absent today.

Senator Boyer led the Pledge of Allegiance.

COMMITTEE REPORT

SB 52, granting to state-chartered financial institutions the powers of similar federally-chartered financial institutions. Ought to pass with amendment. Sen. Freese for the committee.

SEN. FREESE: SB 52 is recommended out of committee unanimously as ought to pass. The bill grants the state-chartered financial institutions the powers of similarly federally-chartered financial institutions. There is an amendment that I would like to explain. It provides for two House members appointed by the Speaker and two members of the Senate appointed by the President of the Senate. On any rules that the commissioner rules on with regard to this bill will be submitted to this committee and if the committee objects the rule will not prevail. The additional factor of the amendment is the insurance; notwithstanding any provision in this chapter to the contrary, this chapter shall not be interpreted to grant or to enlarge the power of any state-chartered financial institution to engage in the business of insurance or in any activity otherwise requiring licensing under RSA 401 or RSA 405. The banking committee unanimously recommends this bill as ought to pass.

Amendment to SB 52

Amend RSA 394-A:8 as inserted by section 1 of the bill by inserting after paragraph VIII the following new paragraph:

IX. Notwithstanding the provisions of RSA 541-A:4, II, any rule adopted pursuant to this section shall be effective 30 days after filing unless it qualifies as an emergency rule under RSA 541-A:4, II(b).

Amend RSA 394-A:9 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

394-A:9 Review of Rules.

I. There is hereby established a legislative committee to review all rules adopted pursuant to RSA 394-A:8. The committee shall be composed of 2 members of the house appointed by the speaker of the house and 2 members of the senate appointed by the president of the senate. The committee shall elect a chairman from among its members.

II. The commissioner shall provide the chairman of the committee established pursuant to paragraph I with a copy of every rule adopted pursuant to RSA 394-A:8 at the same time as the filing of such rule is required under RSA 541-A:4, I. The chairman shall distribute copies of the rule to other members of the committee.

III. The committee shall review the rule. If the committee decides to disapprove a rule, it shall notify the commissioner and the director of legislative services within 30 days after the rule was filed. Any notice to the commissioner shall include a statement of reasons for the disapproval. If the committee disapproves of the rule it shall not take effect.

IV. In the case of an emergency rule which is in effect, if the rule is disapproved by the committee it shall be repealed effective 30 days after the rule was filed.

394-A:10 Branch Banking Not Affected. This chapter shall not apply to or enlarge the power of any state-chartered financial institution to establish and maintain branch offices. Any such state financial institution shall only be permitted to establish and maintain branch offices in accordance with and subject to the limitations of RSA 384-B.

394-A:11 Insurance Not Affected. Notwithstanding any other provision in this chapter to the contrary, this chapter shall not be interpreted to grant or to enlarge the power of any state-chartered financial institution to engage in the business of insurance or in any activity otherwise requiring licensing under RSA 401 or RSA 405.

Sen. Poulsen moved adoption of the amendment.
Amendment adopted. Ordered to third reading.

Senator Champagne moved to table Senate bills 37 and 38.
Seconded by Senator Wiggins.
Adopted.

INTRODUCTION OF GUESTS

COMMITTEE REPORTS

HB 278, relative to loans with and without security by cooperative banks, savings and loan associations and building and loan associations. Ought to pass. Sen. Freese for the committee.

SEN. FREESE: HB 278 was heard by our committee and it was not controversial, there were no objections to the bill at the hearing and we unanimously voted it out of committee as ought to pass.

SEN. BERGERON: In essence, is the only thing this bill does is raise the \$10,000 minimum to \$15,000?

SEN. FREESE: That's my understanding of the bill.

SEN. BERGERON: That \$5,000 or less, the demand notes, what sort of change is that?

SEN. FREESE: The bill provides that loan associations and cooperative banks can make a loan without security to any person for \$5,000 or less if the loan is to be repayable on demand or in regular monthly installments within a period of five years or within a specific term up to one year.

SEN. BERGERON: They are not allowed to do that now?

SEN. FREESE: I'm not aware of how the statute is now. I think all this does is loosen it up so that it keeps up with the inflation.

Adopted. Ordered to third reading.

Sen. Chandler abstained from voting under Rule 42 on SB 52 and SB 278.

HB 41, relative to snowmobile sound level and safety standards. Ought to pass. Sen. Wiggins for the committee.

SEN. WIGGINS: The committee conducted a hearing on HB 41. Right now the snowmobile manufacturers are making the snowmobiles so they have a 72 decible of noise and we have to pass this bill so they can sell them. The complete committee recommended ought to pass.

Adopted. Ordered to third reading.

HB 80, authorizing the executive director with the consent of the commission to control the seasons, methods of taking, sex limitations and other conditions relative to wild deer. Ought to pass with amendment. Sen. Wiggins for the committee.

SEN. WIGGINS: This bill gives the commission and the director permission to regulate the deer herds, to create a buck law in certain sections, or not to, to have doe lotteries or whatever they see fit, to increase the deer population. We amended the bill on the fines, the fines were all misdemeanors and we made them violations. We recommend passage of this bill.

Amendment to HB 80

Amend section 7 of the bill by striking out same and inserting in place thereof the following:

7 Penalties. Amend RSA 208:21, I (supp) as amended by striking out said paragraph and inserting in place thereof the following:

I. RSA 208:1, 1-a, 1-b, 1-d, 4-a, 7 and 8 shall be guilty of a misdemeanor, if a natural person, or guilty of a felony if any other person.

8 Penalty. Amend RSA 208:21 by inserting after paragraph III the following new paragraph:

IV. RSA 208:2 shall be guilty of a violation, unless the person is guilty of taking deer during the closed season or exceed-

ing the bag limit, then said person shall be guilty of a misdemeanor.

9 Effective Date. This act shall take effect upon its passage.

Amendment adopted. Ordered to third reading.

HB 49, relative to the preparing of title applications by dealers making courtesy deliveries. Ought to pass. Sen. Lamontagne for the committee.

SEN. LAMONTAGNE: This bill is a very simple bill, the only change there is is the change of the word may to the word shall. At the present time the dealers will make a courtesy delivery of a car. As an example, a company will buy 150 cars and bring them to a dealer from out of state and then that dealer will take the car and deliver it to a state to a dealer to make a courtesy delivery. The law say that they may prepare the application for a title but this bill says it shall. The dealers will have to make all the applications and do all the paper work. At the same time the certificate of origin which is supposed to be with a new car, therefore the dealers will be responsible for it now, where before it only said may.

Adopted. Ordered to third reading.

HB 176-FN, relative to sunset review of the office of legislative services. Ought to pass. Sen. Lessard for the committee.

SEN. LESSARD: HB 176-FN renews the office of legislative services. Essentially it will be the same office doing most of what they do. There were a couple of antiquated provisions in the old statute, such as providing clerical staff for committees which was removed but by and large is the same as before.

Adopted. Ordered to third reading.

HB 215-FN, relative to sunset review of state historical commission. Ought to pass. Sen. Lessard for the committee.

SEN. LESSARD: The historical commission is responsible for putting those markers along the sides of the road. They would still be in existence and I urge passage of the bill.

Adopted. Ordered to third reading.

INTRODUCTION OF GUEST

Mrs. New Hampshire, Sally Ross of Berlin, N.H. by Sen. Lamontagne.

Sen. Chandler announced today is National Agriculture Day. Whereas agriculture is our national number one industry it will be recognized today, as a special day.

COMMITTEE REPORTS

HB 33, repealing provisions of the highway laws relating to repair of town highways by county commissioners. Inexpedient to legislate. Sen. Rice for the committee.

SEN. RICE: HB 33 was an act to repeal RSA 247, 11 and 12. RSA 247 allows for county commissioners to serve in the capacity of informal judges, if you will, in arbitrating disputes between towns, between town and town, or between town and individual, on discrepancies within their own roads. We heard one person, who sponsored the bill and who obviously wanted to repeal the legislation, everyone else who testified was opposed to it, including the county commissioners and the state highway department. It was the feeling of the Transportation Committee that RSA 247 was still a valid New Hampshire law and that it should be inexpedient to legislate.

Sen. Lamontagne moved that the words "ought to pass" be substituted for the committee report of "inexpedient to legislate."

SEN. LAMONTAGNE: Right now this law goes back to the 1800's. This involves the county commissioners to go into the differences between two towns. The county commissioner does not have any appropriation to do any repairs to roads or even to do any repairs to some of the bridges. Therefore I personally feel that this bill should pass because of the county commissioners not having any funds to do the repairs and the only thing that these county commissioners do is get between those two towns to avoid getting into a further dispute before they go to court. I don't see any need to have that law on

the books. I'd be glad to answer any questions.

SEN. RICE: If this law was repealed and the county commissioners no longer arbitrated the disputes between individuals and towns concerning town roads, isn't it true that arbitration would have to immediately go to the courts?

SEN. LAMONTAGNE: I think that there's another way of doing it. I think that actually the towns have the right to appeal to the highway commissioner and at the same time this is some of the TRA money that is being used and it's not county money that is being used. Therefore there is no county appropriations to make these necessary repairs of the complaints of the individuals. Let me give you an example, any town road that wasn't plowed out right, that could be the complaint. If the piece of road is muddy and therefore TRA money could be used I'm sure the town fathers could make their appeal to the highway department and the matter could be straightened out. Then if it doesn't satisfy the wishes of the individual they can take it to court.

SEN. RICE: Isn't it true that under the existing legislation cases that are appealed to county commissioners, that the state highway commission already acts as a technical advisor in resolving that conflict and thereby avoiding having to take that issue to superior court.

SEN. LAMONTAGNE: This could happen in the southern part of the state. But the hardship is in the county commissioners in the north country because there are many miles of road that are not surfaced and therefore creates quite a problem for the county commissioners up north. We have more dirt roads up north than you have in the southern part of the state and so there is no problem for the county commissioners in the southern part of the state. But it is a problem for the county commissioners up north. The commissioners up north have more miles to travel than the county commissioners in the southern part of the state.

SEN. MANN: We heard this bill and I would hope you would vote down Sen. Lamontagne's motion, and it's difficult for me to say that because he does add an awful lot to the committee. The problem with this bill is up in the northern part of the state where the county commissioners meet maybe once a month. This bill has worked very well in the southern part of the state. For example, in a couple of communities that I know of where you have two roads connected by a bridge,

one road is in one town, the other road is in another town, and you have a bridge. The people have no alternative but to go to court to get this bridge repaired. They have to go to court. This bill keeps the county commissioners there so they can have a public hearing with the county commissioners and get some kind of satisfaction drawn. It seems to have worked in the southern part of the state, as Sen. Lamontagne has said, for a hundred years and I think we should just keep it there.

SEN. ROY: I speak to support the committee report. I can appreciate Sen. Lamontagne's concern relative to the commissioners in the north country but I found in my experience of four years as a county commissioner in Rockingham County, when in two instances we were called upon to have a public hearing and it was very important to the two communities and the problems were resolved as a result of having recourse to the county commissioners.

SEN. RICE: Briefly in support of the committee report, there are a lot of things that I personally question about the role of county government and its effectiveness. On the other hand, I think that it was demonstrated during the hearing that this is a very effective piece of legislation that allows individual citizens to resolve differences with the town that they reside in or for two towns to resolve differences without having to retain legal counsel and without having to take action within superior court. We were further informed that in the majority of cases where this has occurred, that the county commissioners do in fact rely heavily upon the state highway department for technical assistance in helping to resolve that issue and wherever possible on identifying funds that may be needed by the town to carry out whatever repairs are necessary.

SEN. CHANDLER: At the hearings did county commissioners appear and testify against the bill?

SEN. RICE: They testified against the bill, they would like to keep the law as it currently is on the books.

Recess.

Out of recess.

Sen. Roy moved to recommit HB 33 to committee.

Adopted.

RECOMMIT

HB 33, repealing provisions of the highway laws relating to repair of town highways by county commissioners.

COMMITTEE REPORTS

SB 22, relative to relocation payments as a result of persons displaced from their property for highway development. Ought to pass. Sen. Mann for the committee.

SEN. MANN: This should be no problem, this just brings the statute back into compliance with federal laws. You know we're doing the recodification and this is just a housekeeping bill to get the numbers back in the proper order.

Adopted. Ordered to third reading.

Sen. Sanborn in the Chair.

HB 30, to permit the New Hampshire transportation authority to make recommendations for railroad police appointments. Ought to pass. Sen. Rice for the committee.

SEN. RICE: HB 30 will allow the New Hampshire transportation authority to recommend one or more of its employees to the commission of safety for employment as railroad police officer and give them the powers held therein. Currently the New Hampshire transportation authority does have jurisdiction over some rail lines state-owned within the state and there is no current authority to allow inspectors to apprehend or remove anyone that is trespassing on state-owned property.

Adopted. Ordered to third reading.

HB 2, relative to criminal trespass on railroad property. Ought to pass. Sen. Rice for the committee.

SEN. RICE: This bill does nothing more than redefine criminal trespassing and brings it into compliance with other state laws as applicable to railroad stations and railroad lines.

Adopted. Ordered to third reading.

Sen. Monier in the Chair.

INTRODUCTION OF SENATE BILLS

Sen. Sanborn offered the following resolution:

Resolved, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 83 through SCR-4 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

SB 83, relative to witnesses at a marriage ceremony and the fee charged for performing such ceremony. (Sen. Lamontagne, Dist. 1 — To Public Affairs)

SB 84, relative to the acquisition of substitute recreation land. (Sen. Lamontagne, Dist. 1 — To Development, Recreation and Environment)

SB 85-FN, relative to authorizing the department of resources and economic development, division of parks, to purchase the historic Crawford cannon for public display. (Sen. Lamontagne, Dist. 1 — To Development, Recreation and Environment)

SCR 3, requesting the state board of education to name a wing of the New Hampshire Vocational Technical College in Nashua after Senator D. Alan Rock. (Sen. Lamontagne, Dist. 1 — To Education)

SCR 4, requesting the state board of education to name a wing of the New Hampshire Vocational Technical College in Berlin after Representative Guy J. Fortier. (Sen. Lamontagne, Dist. 1 — To Education)

ENROLLED BILLS REPORT

HB 177, relative to sunset review of office of legislative services — administrative procedures division.

HB 192, relative to sunset review of the office of state planning.

Sen. Lamontagne for the committee.

INTRODUCTION OF GUESTS

Sen. Sanborn moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills ordered to third reading be read a third time by this resolution and that all titles be the same as adopted, and that they be passed at the present time; and that when we adjourn, we adjourn until Tuesday, March 24, 1981 at 1:00 p.m.

Adopted.

Sen. Roy introduced members of the N.H. Federation of Women's Clubs.

LATE SESSION

Third Reading and Final Passage

SB 52, granting to state-chartered financial institutions the powers of similar federally-chartered financial institutions.

HB 278, relative to loans with and without security by cooperative banks, savings and loan associations and building and loan associations.

HB 41, relative to snowmobile sound level and safety standards.

HB 80, authorizing the executive director with the consent of the commission to control the seasons, methods of taking, sex limitations and other conditions relative to wild deer.

HB 49, relative to the preparing of title applications by dealers making courtesy deliveries.

HB 176-FN, relative to sunset review of the office of legislative services.

HB 215-FN, relative to sunset review of state historical commission.

SB 22, relative to relocation payments as a result of persons displaced from their property for highway development.

HB 30, to permit the New Hampshire transportation authority to make recommendations for railroad police appointments.

HB 2, relative to criminal trespass on railroad property.

Sen. Roy moved adjournment at 2:00 p.m.
Adopted.

Tuesday, March 24, 1981

The Senate met at 1:00 p.m.

A quorum was present.

The prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Direct us Lord, in all our doings for Thy ways are much higher than our own.

Deliver us from the trivial things which often times seem to take up too much of our time and energy — and direct our attention to the paramount needs of our state.

Here us — and help us, Lord.

Amen

Sen. Poulsen is excused by the Chair.

Senator Lessard led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

INTRODUCTION OF SENATE BILLS

Sen. Brown moved the following resolution:

Resolved, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 86-FN through SCR 7 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

SB 86-FN, licensing oil burner technicians and making an appropriation therefor. (Sen. Mann, Dist. 11; Rep. Donovan, Hillsborough 24 — To Public Affairs)

SB 87, relative to rental security deposits. (Sen. Podles, Dist. 16; Sen. Champagne, Dist. 20 — To Public Affairs)

SB 88-FN, relative to the regulation of detective and security

services. (Sen. Mann, Dist. 11; Rep. Stone, Hillsborough 3 — To Judiciary)

SB 89, relative to Medicare coverage for a preexisting condition. (Sen. Champagne, Dist. 20 — To Public Institutions and Health & Welfare)

SB 90, authorizing the housing finance agency to purchase loans from lending institutions whether or not secured by a mortgage. (Sen. Brown, Dist. 19 — To Internal Affairs)

SCR 5, urging the Congress of the United States to refrain from withholding, withdrawing, or threatening to withhold or withdraw federal funds from a state as a means of requiring a state to implement federal policies or practices. (Sen. Roy, Dist. 22; Sen. Freese, Dist. 4; Sen. Mann, Dist. 11; Sen. Wiggins, Dist. 8; Sen. Sanborn, Dist. 17; Sen. Podles, Dist. 16; Sen. Stephen, Dist. 18; Sen. Kelly, Dist. 14; Sen. Lamontagne, Dist. 1; Sen. Monier, Dist. 9; Sen. Brown, Dist. 19 — To Rules and Resolutions)

SCR 6, urging the United States Congress to enact legislation giving married persons the options of filing federal income tax returns jointly as a married couple or individually as single persons. (Sen. Podles, Dist. 16; Sen. Sanborn, Dist. 17; Sen. Lamontagne, Dist. 1; Sen. Freese, Dist. 4; Sen. Stephen, Dist. 18; Sen. Champagne, Dist. 20; Sen. Wiggins, Dist. 8; Sen. Kelly, Dist. 14; Sen. Roy, Dist. 22; Sen. Monier, Dist. 9; Sen. Bergeron, Dist. 6; Sen. Conley, Dist. 3; Sen. Hough, Dist. 5; Sen. Brown, Dist. 19 — To Rules and Resolutions)

SCR 7, urging Congress to either reduce the federal mandate for special education or to fully reimburse federally mandated state expenditures for special education. (Sen. Conley, Dist. 3; Sen. Monier, Dist. 9; Sen. Roy, Dist. 22; Sen. Freese, Dist. 4; Sen. Wiggins, Dist. 9; Sen. Sanborn, Dist. 17; Sen. Mann, Dist. 11; Sen. Kelly, Dist. 14; Sen. Podles, Dist. 16; Sen. Bergeron, Dist. 6; Sen. Brown, Dist. 19 — To Rules and Resolutions)

HOUSE MESSAGES

Introduction of House Bills

Sen. Brown moved the following resolution:

Resolved, that in accordance with the list in the possession of the Clerk, House Bills starting with number 327 and ending

with 325-FN which corresponds to the lists on your desks, shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

HB 327, to regulate the distribution, labeling and sale of agriculture liming materials. (To Development, Recreation and Environment)

HB 52, establishing an interstate commission on the lateral marine boundary between New Hampshire and Maine and the gauge laws. (To Development, Recreation & Environment)

HB 26, to increase the amount of interest credit unions may charge on loans. (To Banks)

HB 286, relative to the limitations on real estate loans.

HB 325-FN, relative to premium finance companies. (To Insurance)

INTRODUCTION OF GUESTS

Sen. Lessard introduced members of the UNH Women's Hockey Team.

Sen. Lessard moved adoption of a resolution.

Whereas after four years of varsity competition against women's college squads in the United States and Canada, the UNH Women are 72-0-1, and

Whereas the Wildcats outscored opponents 157-38 in the course of this year's 22-0 season, and

Whereas the team captured its second straight Eastern Association of Intercollegiate Athletics of Women, Regional Championship, and

Whereas the team is led by Head Coach Russell McCurdy, Jr. with the assistance from Jeanne Bates, and

Whereas UNH laid claim to the University of Minnesota Tournament and that of the third annual Granite State Tournament, and

Whereas the team's captain is Gabrielle Haroules, helped by asst. captains, Kathy Bryant, UNH all time scoring leader, and senior goaltender Donna Nystrom who will graduate from the 80-81 squad, and

Whereas members of the team are as follows: Lynn Walsh, Kathy Kazmaier, Cindy McKay, Debbie Cunningham, Betsy White, Terry Strack, Kip Porter, Marcy Pannabecker, Lorie Hutchinson, Laura Brown, Robin Balducci, Beth Newcombe, Carol Fisher, Cheryl Calder, Sara Richards, Patsy Lyons, Diane Langlais,

be it therefore

Resolved that the Senate of the State of New Hampshire does hereby offer its congratulations to the University of New Hampshire Wildcats, Women's Ice Hockey Team for a job well done and wishes them continued success in the years to come.

Adopted.

COMMITTEE REPORTS

HB 35, relative to administrative review of sanctions against official inspection stations. Ought to pass. Sen. Mann for the committee.

SEN. MANN: If an inspection station has lost its right to inspect, this bill allows it to go before an appeal at the department of safety. There has never been an appeal before, the person that went out said "you can't inspect cars anymore" and that was it. Now at least the person has a right of appeal. We felt this was a necessary piece of legislation.

Adopted. Ordered to third reading.

HB 103, naming section of New Hampshire 101 highway between Auburn-Candia town line and the Raymond-Epping town line the Robert C. Erler Highway. Ought to pass. Sen. Rice for the committee.

SEN. RICE: The committee heard testimony on this bill from a number of representatives from the Candia area. Robert C. Erler had served distinguishly within the House of Representatives as well as on numerous town committees and also as a selectmen. Hearing no opposition to the bill the committee recommends ought to pass.

SEN. SANBORN: I would like to add to what Sen. Rice has just said about Robert C. Erler. I am also a co-sponsor of that

bill at the request of the constituents in Raymond, Candia and Auburn. This basically will be the new highway that is now under construction from the Auburn town line down through the Epping line. It will be a four-lane highway when it is finished. To recognize Robert C. Erler who has been a member of the House of Representatives for at least two terms, he was a member of the Board of Selectmen in the town of Raymond for at least two terms, he also served as a House officer for the town of Raymond, he was instrumental in the establishment of the maintaining of the so-called Raymond Ambulance Association which for many years has served the towns of Raymond, Freemont, Candia, Deerfield and other surrounding towns to a great advantage. It is indeed an honor that a piece of highway could be named in remembrance of Robert C. Erler. I encourage everyone in the Senate to vote for this bill.

Adopted. Ordered to third reading.

HB 223-FN, relative to sunset review of the department of revenue administration — community services. Ought to pass with amendment. Sen. Blaisdell for the committee.

SEN. BLAISDELL: HB 223-FN has to do with the sunset review of the department of revenue administration. All the House did with this was to basically clean up the statutes and get rid of some archaic wording. It also defines and clarifies the duties of the commissioner of revenue administration. It put all the rules together under section 71-A,10, making it into one section, and I think it will help with the RSAs when you go to the RSAs they will be in line now. You will have a good chance to just follow them right through. The amendment is on page 9 of today's calendar. Basically the present law states that if a municipality hires an outside firm to assess property valuation the department of revenue administration will oversee the job. This amendment states that the department of revenue administration will oversee the job only, and I emphasize this only, if the municipality requests it in writing that they want the department to come in. I think this is a good suggestion by Lloyd Price and our committee went along with it and we say it should pass and we agree with the House.

Amendment to HB 223-FN

Amend RSA 71-A:24 as inserted by section 12 of the bill by striking out same and inserting in place thereof the following:

71-A:24 Appraisers of Taxable Property. Every person, firm or corporation which shall intend to engage in the business of making appraisals for tax assessment purposes in this state shall notify the commissioner of such intent in writing. No person, firm or corporation engaged in the business of making appraisals of taxable property for municipalities and taxing districts shall enter into any contract or agreement with any town, city or other governmental division without first submitting the proposed contract or agreement to the commissioner for examination and approval and submitting to the commissioner evidence of financial responsibility and professional capability of personnel to be employed under the contract. Upon written request from a municipality the commissioner shall assist the communities with overseeing the progress of revaluation by any person, firm or corporation which engages in the business of making appraisals for municipalities and taxing districts who do not employ appraisers on a full-time basis; such oversight shall be at no expense to the municipality or taxing district.

Amendment adopted. Ordered to third reading.

Sen. Sanborn in the Chair.

HB 224-FN, relative to sunset review of the department of revenue administration — revenue collections. Ought to pass. Sen. Blaisdell for the committee.

SEN. BLAISDELL: HB 224-FN is relative to the sunset review of the department of revenue administration. The House took the assessing authority away from the board of taxation for the utilities and gave it to the department of revenue administration. The board of taxation said they wanted to do this and we agreed. We also removed one permanent assessing position that is currently not filled. They just simply removed it and the committee agreed with it. There was no opposition to this bill. As I remember it, there was a unanimous vote on the floor of the House as well as a unanimous vote

in the committee. Our committee said ought to pass and we agree with the House.

Adopted. Ordered to third reading.

Sen. Splaine moved that SB 37 be taken from the table.

Adopted.

COMMITTEE REPORT

SB 37, creating the crime of criminal declaration and eliminating the competing harms justification for certain situations. Inexpedient to legislate. Sen. Splaine for the committee.

SEN. SPLAINE: The judiciary committee is recommending inexpedient to legislate on SB 37 which would create a crime of criminal declaration and eliminate the competing harms justification for certain situations. We had a substantial testimony opposed to this legislation in the public hearing. I will try to sum it up. If any one of us were to join and say that we wanted to stop something that we protested and then made a move toward stopping it, we would be arrested under this legislation even before we actually committed the crime. This legislation makes that a crime, declaration of taking action a crime. If we begin to move toward carrying out what we said we would do. As one attorney at the public hearing pointed out: the question is really whether publicly declaring an intent to commit a crime is illegal. If you agreed to publicly declare an intent to commit a crime and its not illegal then you can not be found guilty of any crime. The United States Supreme Court made that decision in a decision on *Vandenberg v. Ohio*. Very possibly this kind of a statute would be declared unconstitutional, but the state would have to spend a lot of money just trying to defend it. It might get some good press for some people but the taxpayers would have to pay for the bill in the end. One speaker at the public hearing was strong in his testimony, but I feel accurate, very accurate when he said "This kind of legislation is essentially that of dictatorship." Think about this. The Soviet Union doesn't need this kind of a law that SB 37 provides for. They already have it. Many other nations don't need this kind of law either because they already have it. It's not written into the United

States Constitution and that happens to be one reason why many of us love this country. This legislation violates the rights of all New Hampshire citizens regardless of their political beliefs to fully participate in our democratic processes. A process that has served this diverse country of ours very well for over two hundred years. In England, under King George, if this law had been on the books our ancestors who had planned the Boston Tea Party in the privacy of their own homes would have been brought into jail for seven years, long before they got near the Boston Harbor. With a penalty of seven years they conveniently would have sat out the revolution. As one attorney summed it up: SB 37 would make virtually any agreement relative to making a declaration about civil disobedience a class B felony subject to punishing of up to seven years in prison. This is contrary to the basic concept of a free society. The state can punish criminal acts, it can take precautions against criminal acts, it can attempt to persuade people not to commit criminal acts, but it cannot punish people just because they agree to make a public statement of intention to commit an illegal act and then begin to follow through. We have plenty of laws on the books to cover the situations where people do follow through. The principal consequence of such measure as this would be to set an immensely dangerous precedent threatening the continued vitality of freedom of speech. This country had a revolution to get that freedom, this country has gone to war to preserve that freedom, and as I see it in these chambers today we are continuing that battle.

SEN. MONIER: Senator, I didn't mean to do this, but you carefully cited *Brandenberg v. Ohio*, but you didn't complete the citation, may I read it to you?

SEN. SPLAINE: Sure.

SEN. MONIER: It says the court in a procurium opinion held that "the constitutional guarantees of free speech and free press do not permit a state to forbid or prescribe advocacy", that part you were correct on. But then it goes on, which you did not state. "of law violations except for such advocacy is directed to exciting or producing eminent lawless action and is likely to incite or produce such action." Was there a reason for leaving that out?

SEN. SPLAINE: No reason, I think I was using part of the testimony from the public hearing. The point being, sir, that it's

going to leave the courts very much open under this legislation as to exactly what kind of inciting we are talking about. I'm sure that many lawyers would be appreciative of you because even if this legislation did become law and it was not unconstitutional, it would make a lot of lawyers rich.

SEN. MONIER: Was not the lawyer that testified primarily, from the Civil Liberties Union?

SEN. SPLAINE: Yes.

SEN. MONIER: Thank you.

Sen. Brown moved that the words "ought to pass" be substituted for the committee report of "inexpedient to legislate".

SEN. BROWN: I do so because everybody in my district knows of the long and bitter debate about the future of Seabrook Station. And despite extensive media coverage of the demonstrations, many people forget the irreparable harm caused by the demonstrations in the community of Seabrook. The rights of private property have been ignored, access to normal transportation routes have been disrupted, and there has been substantial loss of business caused by the demonstrators and law enforcement officials interrupting access of the merchants' place of business. With these two pieces of legislation, I'm including the one I presume will be taken off the table in a minute because it is a comparable bill, we hope to solve the problem in the future, making it clear what can and cannot be done while the constitutional right of free speech. We hope to be able to guarantee that the merchants will be able to do normal business and the people at Seabrook will have uninterrupted opportunity to go about their daily routines. The sponsors of this legislation recognize the right of freedom of speech and the right to protest but wish to make it clear that it should not be done in a manner which jeopardizes personal property, endangers public or disrupts access to public property, including businesses for public trade. In the past anti-nuclear endeavors demonstrations the rights of private property have been ignored. We held a meeting in Seabrook to discuss these bills and let me share with you the testimony of some of the leading citizens there. Marty Ronigan, founder and president of Seabrook Professional Association, said he is optimistic about passage of the bills, he is glad to see something is being done to help

protect property owners and businesses from demonstrators. All we want is our rights, the rights of employees, the customers protected from anti-nuclear demonstrators. He says he's tired of babysitting demonstrators to keep them from stealing and tearing my property to pieces. Another member of the Association, Lou Mikley, said the bills are a good start in helping to protect business people. The Chief of Police of Seabrook, Paul Connor, said that he thinks both measures are excellent and will work. Ladies and gentlemen, for the rights of the people of the town of Seabrook, against the things that have been going on, I urge you to pass this bill.

SEN. PRESTON: Sen. Boyer, I direct the question to you because I did not attend this hearing and I understand the only attorney present was representing the Civil Liberties Union. My question as a member of this business association in Seabrook that Sen. Brown speaks of, is, is this bill in your opinion unconstitutional? Does it deprive anyone of rights whatsoever?

SEN. BOYER: In my opinion as a lawyer, I think it would be unconstitutional. I say this for a number of reasons: 1) it doesn't require any act, all it requires is an agreement to publicly declare. So that if two parties sit down and agree to publicly declare their intent to commit a crime then in fact they have committed a crime. Because of that nature of it it becomes unenforceable, I mean, how are you going to find these things out. In addition to that problem, you've got a problem with definition as to what is meant by seriously disrupt access to public property and what is meant directly or indirectly endanger public safety. I'd also defer to my Senate colleague Norm Champagne. I would welcome passage of this bill even though I'm going to vote against it because I really do feel that Sen. Splaine is right that myself and other lawyers will make a fortune on this bill.

SEN. MONIER: Senator, is it not correct that there are three essential elements in this bill in which you have only touched upon, and I believe the question has only been asked about one? The three essential elements are first: to be guilty under the proposed law, totally guilty, a person must knowingly or willingly with one or more other persons publicly declare his intent to commit a crime. You have just stated that is correct.

SEN. BOYER: No, I don't.

SEN. MONIER: Well, that's what the law says.

SEN. BOYER: Well, that isn't the way I read it.

SEN. MONIER: Okay, then you disagree with my statement, fine. The second element is: That the commission of such a crime would seriously disrupt access to public property, directly or indirectly endanger public safety. Those two elements are both written into the bill. There is also a third element present, Senator, that is not written into the bill because it is already law because of a Supreme Court decision. That portion is that the arresting officer must have reason to believe that there is an actual intent to carry out the public declaration and commit a crime. For example, the Supreme Court decision on the case came about when a draft dodger declared "If they ever make me carry a rifle, the first man I want to gun and shoot in my sights is LBJ." The court set forth the principle that this was not a true threat of harm to the President because there was action following the rhetorical declaration. The element of the actuality intended to carry out one's threat of declaration under this bill is actually required by the United States Supreme Court before demonstrators can be arrested. I'm sure you're aware of that thought.

SEN. BOYER: I agree with what the Supreme Court has said in that case and I suspect that that Supreme Court case probably would speak to this bill. This bill does not require all those elements, it requires an agreement as versus a public declaration. There are two separate things here. There is one thing to say that you have an agreement, number one, and number two you have to publicly declare. It's another thing to say that you have an agreement to publicly declare. This is addressed to the latter, that you have an agreement to publicly declare. If that were broken down into two separate elements I think you are right, if you have an agreement that you will commit a crime, crime as enumerated here, and secondly that you actually declare that agreement, fine, but that isn't what I read here and I don't think that my brothers on the bench would read it that way either. In addition to that you still have the problem of the words seriously and indirectly.

SEN. LESSARD: I rise in opposition to the pending motion. All of us here, whether we support or oppose this piece of legislation, are concerned with the interests of both personal and financial of the residents and business community of Seabrook. Clearly the intent of this measure is to protect those

vested interests. It is equally clear that protestors and disruptions in the seacoast community have cost the state taxpayers thousands of dollars and have imposed great burdens on the residents and law enforcement officials in the area. However, we must not let the validity and importance of such needs obstruct the inadequacies of this bill. This bill chooses at best a searcuritous approach to the problem. While the intent may be to nip the problem in the bud, the effect may be to uproot many precepts of freedom and needlessly impose new burdens on an already inundated judicial system. The legal problems with this bill are many and varied. It brings to court cases that judges are hesitant to rule on, questions of conspiracy and demands proof of intent to commit a crime, which is more than difficult to say the least. In addition, the unintended consequences of this bill may be both dangerous and far-reaching. Such consequences may cause a myriad of legal problems. Of even more significance is that this piece of legislation may not solve the problem it aims to address. While causing unintended problems at the same time. This legislation, because of its focus on one element of the problem rather than the problem itself, will not remove or remedy the true cause of its disruption. Indeed, it is doubtful whether or not this will affect the real problem at all. What is clear is that it has the potential to cause equally an undesirable situation if adopted. I urge each and every one of you to vote, not on the issue this bill purports to address, but rather on whether the bill reflects careful thought and preparation and legal consideration. I am confident that after examining this bill with careful scrutiny, you will find that it is not appropriate to the problem and to that end. It is poorly drafted. I am urging you not to abandon your concerns for the individuals and businesses of Seabrook, but rather to address those concerns and draft competent legislation to deal with the problems of those individuals. This bill does not do this. For that reason it must not be passed. While the legislation should not be adopted the problem must be approached and a solution worked out. Such a rational solution will require the careful thought and preparation that the matter deserves and will not result from hasty and ill-prepared legislation like this. It strikes an emotional chord, lacks careful consideration and any examination of the problem resulting from such legislation. Do not be deluded into thinking that the passage of this bill will solve the problem. The

passage of this bill will result only in reflecting its inadequacies on all of us, in both the judicial problems it will cause and the disastrous unintended quantities that may result.

SEN. MONIER: I cannot help but take exception to two comments made by Sen. Lessard before I issue my own statement. One is that there has been a careful drafting of this legislation. This legislation has been in for almost a year. It has been worked on by legislative services, it's been drafted by outside attorneys, and it very carefully attempts to do exactly what we say it's going to do. So it is not hastily drawn at all. A prime purpose of both of these bills, both SB 37 and SB 38 which is still on the table and will be off next, is to tighten the laws against illegal demonstration while walking a very fine line between law enforcement and the constitutional right of freedom of speech. I might add that there is no group that has any greater degree of concern with the freedom of speech and this group sitting here. I don't think anyone can take a back seat to that. But there is an old Justice Holmes story "That you can't holler Fire in a crowded building." We are trying to allow responsible speech without endangering public safety and without disrupting access to private property. Both of which are also guaranteed under the Constitution. This bill is carefully drawn to bridge that fine line between the first amendment constitutional guarantee permitting freedom of speech where justice learned hard rule as to whether the gravity of the offense justifies the invasion or the right of freedom of speech. This bill in essence sets forth that when an individual or group announces plans to act illegally, it may present a situation of more imminent danger to society, that means the immediate society, not all of you, not all over the United States but in Seabrook in this case, than the abridgment of freedom of speech. The bill expressly excludes from coverage under this law the declaration of ideas and beliefs and free speech not involving the intent to commit or aid in the commission of a crime. I think that's a very careful analysis. Let's take a look at the bill and see what it does say and what it does not say because even right now we have some opponents attempting to muddy the waters by making statements that are only partially true. Section 1 of the bill says "A person is guilty of criminal declaration if, with a purpose that a crime defined by statute be committed he knowingly and willfully agrees with one or more persons to publicly declare his intent

to commit or aid in the commission of such a crime, when the commission of such crime would seriously disrupt access to public property, directly or indirectly endanger public safety or both. There are three essential elements here. First, to be guilty under this proposed law, a person must knowingly and willfully with one or more persons publicly declare his intent to commit a crime or aid in the commission of a crime. The second element is that commission of such a crime would seriously disrupt access to public property, directly or indirectly endanger public safety or both. These elements are written into the bill as I said in questioning Sen. Boyer. There is a third element that is not written into the bill because as I stated previously it is already law because of a Supreme Court decision. Let me stop there for a moment. Of course anybody can interpret what is serious disruption of access to public property, but certainly serious access can be defined by the courts. It can also be defined in such a term when each case comes up on it so that there is true proof of it. When I hear such comments as I've been hearing earlier and I'm diverting somewhat, the effect that access to public property or private property is something that cannot be, let me ask you a question very simply. If you had been at Seabrook at any one of these times, if you had talked with any of these merchants, and that is private and public property both, you'd understand that you've got ten thousand people in the street or three thousand people in the street and people can't get back to motels that they've already registered and paid for, that's a disruption. I don't think there's any question about it. I've heard that some of the labor unions applied and testified to this because they were afraid it might interfere with striking and picketing. It does not interfere with picketing, that's protected under the law. It interferes with illegal picketing, where you attempt to stop somebody from entering a premise. You may stand there and you may say to them we would like you not to cross it but the Supreme Court and other courts have ruled you cannot stop somebody from entering that property. If the concern is that the labor unions or the demonstrators are not allowed to infringe on other people's rights, then my answer is that is all the more reason the bill ought to be passed. That third element that is not in the bill is that the arresting officer, the law enforcement people who also have some judgments to make in any arrest, must have reason

to believe that there is an actual intent to carry out a public declaration to commit a crime. I talked about the draft-dodgers. The court also held, so that all of you clearly understand, that the public should not have to wait for a demonstrator carrying a stick of dynamite in a crowd that may be arrested at that time if he announces his plan to light that stick of dynamite in a crowd. Or if there is a reasonable belief that such a stick of dynamite and a match occur. If any of you have failed to forget something, at the Seabrook places they were carrying fence cutters. Now I don't know what they're carrying them for unless it was to try to cut through the fence. I only use that as an example that as far as I'm concerned about the law enforcement, that would be intent to carry it out. I don't think that we can hide behind the fact that there is going to be interpretations of what these intents are. The point is we have nothing on the books to even say that there ought to be an intent. I agree that we ought to try to pass a piece of legislation to do it, Sen. Lessard, that's exactly what I'm trying to do. The police should not have to wait, I repeat, for a demonstrator to light a stick of dynamite or shall I say to use a fence cutter, in a crowd, but that they may be arrested if they have announced their plans to light a stick of dynamite or to break down a fence and there is a reasonable belief that they have such a stick of dynamite and a match or a pair of bolt cutters, just to make it personal and right where it belongs. That is really what this bill is all about. What we are saying in a nutshell is that to be arrested under this bill a person has to agree with one or more people to publicly declare his intent to commit a crime. The police have to have reason to believe that they are going to commit the crime that they said they would and the commission of such a crime would seriously disrupt access to public property or endanger public safety. I would like to know what's so bad about that, to be very frank with you. Nobody that wants to exercise freedom of speech is stopped by this bill. Only those people that want to gain their own right under pretense of freedom of speech and at the expense of all other freedoms, are the ones that might get hurt by this bill. I say that should be that way.

Under Section 5 it states that those who are guilty under this bill shall be guilty of a class B felony. The reason for that is because class B felonies can be punished. Can be, not necessarily will be. This doesn't say mandatory, and if any of you

don't know the records of our courts then I suggest that you go back and read a little bit because I point out that maximum sentences, and that's what this bill has, minimum and maximum. We've talked about seven years, that's the maximum under a class B felony. If you have any problem about it, most of the courts in New Hampshire and elsewhere have been very reluctant to impose maximum sentences even for heinous crimes, never mind this one. There are a lot more suspended sentences and slaps on the wrist for class B felonies that there are maximum fines and sentences. So when we hear seven years don't let it scare you or get you into a panicky situation, however, by passing this bill we are giving these judges a stronger tool to use against those who would endanger public safety and disrupt access to public property. For that reason I strongly urge that we pass it.

SEN. SPLAINE: I would simply like to ask you a question as an illustration. Let's say that you and I might be in agreement on something after having breakfast one morning and we decide that the editorial that we read in that morning's newspaper is something that simply infuriates us and we come over here and have a joint news conference and we're still burning. And we say we are going to go down to that newspaper and block access, we're going to close down that newspaper. We've got this rope and we're going to tie it on the door. Can we be arrested at this point?

SEN. MONIER: You could be except that I wouldn't join you because that would disrupt access to them. If I wanted to I would probably go in and challenge them to come outside and punch him in the nose, but I would not deny him access to his property, he pays the taxes on it I don't.

SEN. SPLAINE: Let's say we were in agreement that we would do this, nevertheless. Or if I had found someone else who would make that agreement with me and we were really carried away and we said that we were going to go down to the newspaper. We might be arrested at this point, before we did anything?

SEN. MONIER: No, because the bill very carefully says that the law enforcement person who would have to arrest you would have to be convinced that you were actually carrying out the intent.

SEN. CONLEY: I'd like to jog your memories a bit. Let's remember what we said right after the last demonstration

while we're voting here today. I'll recall to you Senate Journal of May 20, 1980, and I'd like to quote: "Senate Resolution No. 10, relative to the Seabrook demonstration. Whereas the Coalition for Direct Action and the Boston Clamshell Alliance and other anti-nuclear groups have made an unlawful, outrageously expensive and futile to stop construction at the Seabrook site, and Whereas the actions of these people have caused the citizens of the seacoast area to be endangered because of the diversion of police, fire and emergency personnel from their normal duties, and because of the injuries of such personnel, and Whereas the state of New Hampshire expended not less than two hundred and fifty thousand dollars in direct costs and hundreds of thousands of dollars in indirect costs for the police and national guard personnel necessary to control the demonstration violence, prevent criminal trespass and prevent the stoppage of construction of a vitally needed source of electrical generating capacity, and Whereas the state should take action to prevent the occurrence of any further unlawful and violent utility construction site demonstration. Now therefore be it resolved, by the Senate, that the Senate express it's appreciation to the police and national guard personnel and other state and local officials for their sacrifices prior and during the demonstration." And I think this is where it gets important. "That the Senate go on record as favoring the consideration of legislation which will make it a felony for groups to advocate and conduct unlawful violent demonstrations and that the Senate go on record as favoring the consideration of any other legislation or actions which could be taken to prevent unlawful demonstrations in the future. That the Senate be recorded as urging the Attorney General to take any possible action to require opponents of construction at the Seabrook site to pay for costs of policing the demonstration so that the state and it's citizens do not have to pay the costs of preventing premeditated unlawful destruction of property." Now Sen. Blaisdell then called for a Roll Call and Sen. Bergeron seconded the motion and the following Senators voted for this document: Lamontagne, Poulsen, Conley, Hough, Bergeron, Saggiotes, Monier, Blaisdell, Mann, Rock, McLaughlin, Clavo, McLane, Waggeman, Sanborn, Provo, Brown, Champagne, Fenley, Roy, Preston and Splaine. No Senators voted nay and the vote was 23 to 0. The papers the next day said Governor Hugh Gallen reacted favorably to the Senate's action

and said he "would look at any piece of legislation" aimed at stiffening penalties for violent demonstrations and relieving the taxpayers from the burden of picking up the costs of protecting private property. The final cost to the state of the demonstration "won't be known for some time, but we don't anticipate any great difference from the \$500 thousand price-tag from a similar demonstration last October 6 and 7." He said "the cost will be way over the \$177 thousand appropriated by the legislature for protecting a construction site because of the great many man-hours state employees put into preparations and actual demonstrations." Sen. Monier noted that putting a great number of authorities in one place weakened us around the state. I would like to support the motion now pending for substitution and if the committee which has reported this out as inexpedient to legislate has a better format, a better bill or an amendment, then I'm sure we should hear it today. Which is in effect, put a bill where your mouth is.

SEN. BOYER: I rise in opposition of the current motion. Unfortunately, I wasn't part of the vote of last May 1980 and just because I or my fellow colleagues speak against this present bill it shouldn't be interpreted to say that we are in favor of violent demonstrations. This bill does nothing to stop violent demonstrations. This bill does not say that two or more persons who agree to publicly declare and then publicly declare to commit a crime that will seriously endanger the public health and welfare. It says that two or more persons who agree to publicly declare. This is a conspiracy bill, it is nothing more than that. The experience has been in every state in this country and with the federal government as well, that conspiracy laws are not favored in the legal circles, they are not favored by the judges, because they are too hard to enforce. How do you tell when a person has reached an agreement? Assume that they have reached an agreement. One person changes his mind and he doesn't want to publicly declare or doesn't want to commit a crime and he goes home and minds his own business, the other person goes out lickety-split, declares he is going to commit a crime and goes ahead and does it. The person that is sitting at home is going to be arrested under this bill. Thirdly, this does not address necessarily Seabrook, and certainly Seabrook should be addressed. This doesn't stop my brothers here on my right from saying, Hey, let's punch Rick

Boyer out after this session because he spoke against the Senate President's bill. That in and of itself, under this bill, an agreement to commit a crime which would seriously disrupt access to public property, to directly or indirectly endanger public safety or both, and I hope I am within the public domain and I hope my safety is considered under this bill, that would be a crime. We have to balance the liberty of the public against private interests. Now private interests have the right of trespass and they already have crimes on the books. We have a far more important issue here at stake, liberty. This is what this country is about, this is what this bill is about. I'm told not to worry about seven years because the judiciary very seldom enforces it, but the fact of the matter is that there is a separation of powers that makes this country tick and that makes this state tick. The Judiciary isn't going to necessarily feel obligated to impose one year when it says seven years maximum sentence. That's a very serious crime, it ought to be a very serious crime, that's what this bill is talking about. So I do consider it serious. In regard to the analogy between dynamite and wire cutters: One, it is illegal to carry dynamite, lighted or otherwise; and secondly, when a person has a wire cutter and he starts committing the crime there is already a right to arrest him, a police officer can do that. I'm against leaving my liberty in the hands of the police officers and the judiciary. That's what this body stands for, is defining what our rights are. For these reasons I speak against the pending motion.

SEN. MONIER: I have to agree with you on some of your issues except for one simple thing, and that is you say that you do not like to leave it in the hands of the law enforcement people. When you have trouble at home, and I don't mean family trouble, who do you call? The judge, a lawyer, or do you call a police officer because he knows how that law is to be enforced. Or at least he tries to. The second part of that is, I agree that dynamite is much more dangerous, and I meant to make that point to Sen. Splaine when I said no to tying up a door. The principle is still the same. There are other rights besides the rights that you seem to be expressing here. This bill very carefully tries to draw that line. I agree with you that seven years is a serious offense and I hope that you're right that the judges are going to start putting some maximum sentences on all class B felonies, but the record still doesn't show that. Would you believe me on that?

SEN. BOYER: At the sake of offending my brother Senator, I'm sure that the intent was and the purpose of the Senate President and the others involved with this bill was to carefully draw the distinction. But the fact of the matter is, it is not done in this Senate bill. As far as yielding to police officers to enforce the crime, certainly, but we don't give them too much to do it with. We don't tell them, please define what liberty is, please define what serious is. A police officer can not just go out and arrest people unless 1) they see a crime being committed in their presence, or 2) they have an arrest warrant issued by a judge who has probable cause to issue that arrest warrant. Those are the protections. In every case where we've come up with a legislation like this in the country, conspiracy types of legislation, we either have gone to the Supreme Court, not just of the state but the U.S. Supreme Court at terrific costs to the public. Only to chill the very thing that we intended to do here. Only to tie the police officers hands a little more.

SEN. BLAISDELL: Sen. Boyer, was there any testimony in the committee that maybe I've heard that this is unconstitutional? Did anybody ask that we send this to the Supreme Court and find out if it is unconstitutional?

SEN. CHAMPAGNE: No, there was testimony that the bill is clearly unconstitutional. Nobody suggested we send it to the Supreme Court. It is my personal opinion that this bill is clearly unconstitutional and we shouldn't have to send it to the Supreme Court. If you have any doubts about that then the Senate ought to send it to the Supreme Court for an opinion. It's my personal opinion that this bill is unconstitutional.

SEN. BLAISDELL: Senator, I'm not sure of the statute but I think its under 273-a, prohibits public employees from strike action. Say that they were going to strike, say the negotiations broke down and someone said maybe we're going to go out on strike. Under this law, would that mean that these people might go to jail for seven years?

SEN. CHAMPAGNE: I don't think it applies to public employees. I think it applies to any two people who even think about willfully conducting a strike. I don't think it applies to public employees, it's anybody who thinks about conducting a strike.

SEN. BLAISDELL: As the chairman of this judiciary committee, would you be willing to send this to the Supreme Court to see if it is constitutional?

SEN. CHAMPAGNE: As I stated before I think the bill is clearly unconstitutional. If there is any doubt about it at all in the Senate then I think we ought to send it to the Supreme Court.

SEN. BLAISDELL: Has anybody asked the Attorney General of the state of New Hampshire whether he thinks this bill is constitutional? What he thinks of it?

SEN. CHAMPAGNE: I've asked the Attorney General what his opinion is and he refuses to give me an official opinion as to the constitutionality of this bill because he feels that it is up to the Supreme Court to give opinions as to the constitutionality of bills.

SEN. PRESTON: There seems to sufficient question here and doubts raised as to the constitutionality of this bill. Would you object and it wouldn't be a matter of great time, to refer this to the Supreme Court to make such a determination before we are asked to make a decision on this bill today?

SEN. MONIER: On two bases I would. The first is I don't think there is sufficient evidence, we have two opinions, both of which are from lawyers, both of which are on the Judiciary, both of which are recommending it is inexpedient to legislate, both of which we are trying to overturn the committee on. Therefore I would suggest that every time that somebody wants to overturn a committee report that that could be utilized as a reason for stopping action on it. Therefore I would refuse to do that, or I would not vote for it obviously. The second answer is that the constitutional question can be resolved very quickly once the bill is passed. I don't like sending things to the Supreme Court because they are unofficial advisors. They don't like receiving them because of the same reason. My answer to you would be no and I think for the two reasons I've stated. One, you say that there seems to be sufficient evidence; there has been two questions put by Sen. Blaisdell to Sen. Champagne, the chairman, to Sen. Boyer, a member of the committee, I don't consider that to be sufficient evidence whatsoever. If you like, in my opinion, it's perfectly constitutional and I guess that anybody who thought so would say no to sending it to the Supreme Court.

SEN. PRESTON: I think that I indicated that sufficient doubts had been raised by not just Sen. Blaisdell, but by Sen. Boyer and others, that there might be sufficient reason here that it was unconstitutional and certainly its not an attempt to make it inexpedient to legislate. Refer it for a few days to get the opinion of those who interpret this problem.

SEN. MONIER: I've already responded to that question, Senator. And I think I've responded to it openly and forcefully. That the answer might well be taken that that could be done on any particular piece of legislation we had.

SEN. WIGGINS: I rise in support of the motion to overturn the committee report of inexpedient to legislate. We want to improve the law concerning the way we handle unlawful demonstrations like Seabrook. Five major demonstrations have cost the taxpayers of New Hampshire over two million dollars, not just a few thousand. The blocking of access to public property resulted in the loss of a half million dollars to the Seabrook merchants during the last Memorial Day weekend demonstration alone. This bill is intended to prevent danger to the public safety, the disruption of public access to private property, not to abridge the right of free speech. It would be involved against individuals and groups who announce plans to act illegally, and where there is sufficient cause to believe they will actually do so. This has been proven by cutting the fences. The sponsors of this legislation recognize the right of freedom of speech and the right to protest, but wish to make it clear that it should not be done in a manner which jeopardizes personal property, endangers the public, or disrupts access to private property. We seek through the introduction of these two important premises to define what can be done and what henceforth will be clearly illegal. They demonstrated on Memorial Day weekend, Route 1 was closed most of the weekend, and the merchants lost a half million dollars in prospective sales. They are afraid future demonstrations might be held on the Fourth of July or Labor Day weekend where impact would be substantially worse. The right to merchants in Seabrook are ignored during demonstrations. Seabrook Police Chief Paul Cronin called the bill excellent and said I think that they can be worked. Members of the Seabrook Merchants Association who attended the afternoon press conference advocated the bill. According to one member, Marty Logan, merchants lost as much as five hundred thousand during the Memorial Day

demonstration last May. I'm glad to see something being done, said Logan. We expect our rights to be protected as much as the demonstrator's rights. We've been too long protecting the rights of the minorities. It's time that we protected the rights of the majority. There is a big difference between freedom of speech and denying freedom of access to public property, and the denial of public safety. We can have free speech without infringing upon the rights of others. Demonstrations at Seabrook have neglected those rights. This bill is for the purpose of correcting that cause.

SEN. RICE: I believe, Sen. Wiggins, that you just made the statement that we have gone too long in protecting the rights of the minority and that this bill corrects that situation and protects the rights of the majority, is that what I heard you say?

SEN. WIGGINS: That's what I said.

SEN. RICE: Then can you assure me that this bill does in fact take away the rights of the minority?

SEN. WIGGINS: No it doesn't. It institutes the rights of all. The judges and the lawyers today seem to be interested more in the rights of the minority than in the rights of the majority. And they go overboard to protect the criminal element in this country.

SEN. RICE: I don't want to keep belaboring the point by coming up with hypothetical questions but I wish that someone would tell me that once an agreement has been made to do something, and if I no longer wish to agree and that is made public, then if I am still held responsible if we had agreed to do that. If you and I go out and have a couple beers some night and decide that we were upset with President Monier and we were going to block the Senate Chambers, and if I woke up the next morning and forgot that we had agreed to that about about two or three days later you do it, then I am still responsible under this bill, is that correct?

SEN. WIGGINS: No, not the way I interpret it.

SEN. RICE: I want to ask that question of Sen. Monier.

SEN. MONIER: The answer is very, very simple and I've said it three times and I'll say it once again. There are three elements to the bill Sen. Rice. The second one is that the law enforcement people have to see you there. Obviously if you are not there, if you are not at Seabrook, and you are not there, you cannot be arrested.

SEN. RICE: Further question.

SEN. MONIER: No, I'm not going to continue. I've done it with Sen. Splaine and now that's enough of it.

SEN. ROY: I rise in support of the pending motion that the bill ought to pass. I think we've heard the old adage many times, that a picture is worth a thousand words. This is a picture that was contained in the Boston Herald American last Saturday and was duplicated in many of our local papers as well as on television news stories. It shows a group of men wearing army fatigues who were arrested near a nuclear plant in Florida. Perhaps you did notice that they were arrested and I am quoting the Boston Herald American of Saturday, March 21, 1981: They were arrested on a felony trespassing charge. All I point out is that what we are doing here today is not unique. It has specific precedence in both Florida and Mississippi to date, and these are states where they have not had anywhere near the problems that we have had to face at Seabrook. Let me remind you that in New Hampshire we have had five major demonstrations in Seabrook in the past four years. As Sen. Wiggins has eluded to the fact that these demonstrations have cost the New Hampshire taxpayer and the New Hampshire electric rate payers more than \$2 million dollars. We are not trying to stop free speech. We are not trying to stop lawful and legal demonstrations. You can picket without disrupting access to private property. You can picket without endangering public safety. If you choose to picket and demonstrate in such a manner as to jeopardize other citizens' rights to possess their private property or if you choose to picket in a way that endangers public safety, then you must be prepared to pay the price for jeopardizing the rights of others. And this essentially is what we are asking the law to provide in the bill that you have before you.

SEN. BOYER: Sen. Roy, isn't it true that the Boston Herald American article of Saturday, March 21, 1981, that you are referring to dealt with a law that was a trespass law? And in fact this law here is an agreement to commit a crime law. Isn't that true?

SEN. ROY: True.

SEN. BOYER: And isn't it a fact that we in fact already have a trespass law in the books although it is not a felony trespass law?

SEN. ROY: Is it a felony trespass law?

SEN. BOYER: No. My question is, isn't it true we already have a trespass law on the books?

SEN. ROY: I've agreed that we have but it is not a felony trespass law. So we are going one step further, Sen. Boyer, with this law.

SEN. LAMONTAGNE: I rise in support of the motion of ought to pass. The opponents have been talking about liberty, the opponents have been talking about freedom and when you start talking about liberty and freedom and at the same time you see the people in the area of Seabrook where their lives are in danger, I think that this is something that the General Court has to look into. You turn around and you hear about the word agreement, it has been mentioned several times during this debate this afternoon, and if you people remember that the officials tried to have an agreement with the demonstrators. It was agreed upon and then what happened. The demonstrators changed their minds. I think that if we have an agreement within the law then I'm sure that the demonstrators will have to live up to the law. I feel that if we can turn around and have an agreement, then I feel that its an agreement that certainly would save the lives of some people. You've heard that some of the people are afraid that this is going to involve strike. I don't believe that it is going to interfere with any strike. I consider demonstrators worse than a strike because as you know the demonstrators have cost this state millions of dollars. We have people as far as California who came to Seabrook and demonstrate. Why should New Hampshire have to pay the bill when we've got all these people coming from out of state who are demonstrating and at the same time endangering the life of some people. It could endanger the people in the area, it could endanger the people who are working on the construction. I think that this is something to think about. If there's any question of unconstitutionality I feel that there were lawyers on the judiciary committee and that the matter should have been referred to the court from the committee. This could have been the recommendation instead of inexpedient to legislate. By recommending inexpedient to legislate you're killing the bill and are not doing anything to save the lives of the people. If you're going to think about liberty, think about liberty for everyone. When you talk about freedom, talk about freedom for all. This is an attempt to stop people from coming out of state and at

the same time endangering the lives of our people. I hope you'll vote ought to pass.

SEN. BOYER: Would you support a motion to have this bill sent to the Supreme Court for interpretation?

SEN. LAMONTAGNE: I think the judiciary committee should have come in with a report to send it to the court for a ruling, but they did not. You've got to remember that this bill has got to go to the House in order to pass.

Sen. Champagne moved the previous question.

Sen. Preston moved to lay SB 37 on the table.

Roll call requested by Sen. Preston, seconded by Sen. Blaisdell.

The following Senators voted yes: Blaisdell, Mann, Stabile, Boyer, Rice, Stephen, Champagne, Lessard, Preston, and Splaine.

The following Senators voted no: Lamontagne, Conley, Freese, Hough, Bergeron, Chandler, Wiggins, Monier, Kelly, Podles, Sanborn, Brown and Roy.

10 yeas 13 nays

Motion failed.

Adopted.

Roll call requested by Senator Splaine. Seconded by Sen. Roy.

The following Senators voted yes: Lamontagne, Conley, Freese, Hough, Bergeron, Chandler, Wiggins, Monier, Mann, Stabile, Kelly, Podles, Sanborn, Brown, and Roy.

The following Senators voted no: Blaisdell, Boyer, Rice, Stephen, Champagne, Lessard, Preston, and Splaine.

15 yeas 8 nays

Adopted. Ordered to third reading.

Senator Splaine moved that SB 38 be taken off the table.
Adopted.

COMMITTEE REPORT

SB 38, relative to unlawful entry on premises where dangerous devices are kept. Inexpedient to legislate. Sen. Splaine for the committee.

SEN. SPLAINE: I suppose this is a companion bill, at least it was presented this way at the Judiciary Committee public hearing that we had for SB 37. I would oppose this bill and I think the committee opposes it by the same vote 4 to 1, much on the same basis, but more specifically because this legislation is not needed. Take a look at the analysis and I think it's very clear where this legislation simply falls short of anything that is needed in the statutes. This bill modifies present law by establishing new crime for unlawful entry on premises where nuclear devices, including weapons, rockets, missiles, propulsion systems are kept, making such entries a class B felony. If this is aimed at the nuclear power plant there are no nuclear devices at the power plant there now and there won't be until it becomes more operational and at that time, similar to Pease Air Force Base, a federal law takes effect and in many cases you wouldn't even have to worry about a class B felony, you could be shot. So I really don't think that SB 38 does any more than bring headlines.

Sen. Monier moved that the words "ought to pass" be substituted for the committee report of "inexpedient to legislate."

SEN. MONIER: Actually we have had a long debate and I think everything we said before applies to this but I'd like to add two or three things. This is a copy of a law that is currently on the books in Mississippi and partially a copy of what is in Florida which Sen. Roy so graciously brought to our attention that it was on the TV news this week, a class B felony for trespass. It makes it a class B felony to willfully enter any premises, privately, state or federally-owned, which manufactures, constructs, erects, assembles, maintains, repairs or operates any nuclear machinery, weapons, rockets, missiles, or propulsion systems, if an entry is made with an intent to

commit any crime. I think that while we are talking about willful trespass and we are talking about trespass on places where, Sen. Splaine is correct at the present time at the Seabrook plant there is no nuclear power or any nuclear ingredients, but he forgets that any sabotage to the construction of that would be just as dangerous down the line. I would remind him of that simply so the Senate is clear that trespass at the present time and any kind of damage done might be even more disastrous than when there were nuclear power there. What we are doing here is including by implication, Pease Air Force Base, any New Hampshire operations of the Portsmouth Naval Shipyard most of which I admit is in Maine, with Seabrook, and at the same time substantially increasing the trespass penalty. Our purpose here is to protect the people from getting hurt or causing any problems in the future as a result of trespassing on it for any purposes whatsoever besides those that are absolutely necessary to be there. This also does reinforce the right to sue for civil damages if the first section is violated. I would urge that the Senate pass this at this time as a companion bill but also pass it because it stands on its own merits.

Sen. Blaisdell moved the previous question.
Adopted.

Roll call requested by Sen. Monier, seconded by Sen. Brown.

The following Senators voted yes: Lamontagne, Conley, Freese, Hough, Bergeron, Chandler, Wiggins, Monier, Blaisdell, Mann, Stabile, Kelly, Podles, Sanborn, Stephen, Brown, and Roy.

The following Senators voted no: Boyer, Rice, Champagne, Lessard, Preston, and Splaine.

17 yeas 6 nays

Adopted. Ordered to third reading.

ENROLLED BILLS REPORT

ENROLLED BILLS AMENDMENTS

SB 15, extending the degree granting authority of Magdalen College. Ought to pass. Sen. Rice for the committee.

SEN. RICE: This amendment adds a section heading which was omitted by mistake.

Enrolled Bill Amendment to SB 15

Amend section one of the bill by striking out lines 3 through 6 and inserting in place thereof the following:

18:1 Magdalen College. Magdalen College, an educational institution conducted by Magdalen College, Inc., is hereby authorized to grant the bachelor of arts degree until June 30, 1983, subject to the continuing approval of the postsecondary education commission.

Amendment adopted.

HB 172-FN, relative to sunset review of the department of education — manpower development and training. Ought to pass. Sen. Rice for the committee.

SEN. RICE: The title in section 1 of the bill as amended will change the department of education to board of education to conform with the sunset schedule. Incorrect capitalization in the bill section is also corrected.

Enrolled Bill Amendment to HB 172-FN

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to sunset review of the board of education —
manpower development and training.

Amend section 1 of the bill by striking out lines one and 2 and inserting in place thereof the following:

1 Sunset; Board of Education — Manpower Development and Training Renewed. Manpower development and training, PAU 060311, is hereby renewed.

Amendment adopted.

HB 218-FN, relative to sunset review of secretary of state — legislative services. Ought to pass. Sen. Rice for the committee.

SEN. RICE: This amendment adds the secretary of state to section 1 of the bill to conform to the sunset schedule.

Enrolled Bill Amendment to HB 218-FN

Amend section 1 of the bill by striking out same and inserting in place thereof the following:

1 Sunset; Secretary of State — Legislative Services Renewed. The secretary of state — legislative services, PAU 010703, is hereby renewed to comply with RSA 17-G. The agency or program shall be reviewed in 1987, subject to RSA 17-G.

Amendment adopted.

ENROLLED BILLS REPORT

HB 59, relative to the penalty for the selling of deer or parts thereof.

HB 120, relative to sunset review of the board of education — financial aids to districts.

HB 121, relative to sunset review of the board of education — veterans education service.

HB 122, relative to sunset review of the board of education — instruction division.

HB 124, relative to sunset review of the board of education — fire service training.

HB 126, relative to sunset review of the board of education — school nutrition.

HB 130, relative to sunset review of advisory board for technical services — health area.

HB 134, relative to sunset review of the civil air patrol.

HB 176, relative to sunset review of the office of legislative services.

HB 182, relative to the sunset review of the department of public works and highways — administration.

HB 206, relative to sunset review of state library — central library services.

Sen. Lamontagne for the committee.

VACATE

Sen. Roy moved that SB 89, relative to Medicare coverage for a preexisting condition, be vacated from the committee on Public Institutions to the committee on Insurance.

Adopted.

Senator Splaine spoke under Rule 44.

SEN. SPLAINE: I rise under Rule 44 today because of a serious concern about the direction of this Senate and the image of state government we are presenting to the public. I am particularly concerned about the Senate Finance Committee and the conduct of public hearings lately. In the past three weeks in particular I guess some state Senate members have been on the offensive against the Governor and his office, using the proposed Governor's budget as the theme for their attack. I am one of those who agrees that there are serious problems in the Governor's budget, human services in particular are not properly funded and should be reinstated. There are problems with any budget at any level of government and we all have views about what should be and what should not be in a budget. That is part of our form of government. All this is part of the normal budget making process. A governor makes a proposal, it is considered by the legislature and then a final budget document is assembled. That's the way it is supposed to work and inevitably during this session that is the way it will work. But there is a new element this time, fired up by certain Senators. That new element has no beneficial attributes. It's sad, very sad, but it's been happening. In the Senate Finance Committee recently the Senate, indeed the state government itself, has been embarrassed. We've heard comments like "Don't mention the Governor's budget here", "the comic book budget", "the comic book budget of the joker in the corner office". Members of the Senate, those are references about the constitutionally-elected Governor of the State of New Hampshire. Politics has its place I guess but the Senate Finance Committee was, I

thought, supposed to be working on the state budget not launching someone's gubernatorial aspirations. I might add the general type of disrespect recently displayed in the Senate Finance Committee, the kind of politics we have seen demonstrated by numerous Senators lately, is not reflected by the House Appropriations Committee or on the House floor. It is something the Senate should be ashamed of, very ashamed of. Media events, knife-throwing, and pot shots at a governor who does not happen to be present to respond, and exploiting the budgetary process in the Senate for political advantage for November of 1982 should have no place in this body. It has no place in this body. It's not respectful, it's not constructive, it's not what we were sent here to do. It's not helping to meet the needs of the people of New Hampshire. It's not assembling a budget through the proper budgetary process. It should stop.

ANNOUNCEMENTS

Sen. Brown moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills ordered to third reading be read a third time by this resolution and that all titles be the same as adopted, and that they be passed at the present time; and that when we adjourn, we adjourn until Thursday, March 26, 1981 at 1:00 p.m.

Adopted.

LATE SESSION

Third Reading and Final Passage

HB 35, relative to administrative review of sanctions against official inspection stations.

HB 103, naming section of New Hampshire 101 highway between Auburn-Candia town line and the Raymond-Epping town line the Robert C. Erler Highway.

HB 223-FN, relative to sunset review of the department of revenue administration — community services.

HB 224-FN, relative to sunset review of the department of revenue administration — revenue collections.

SB 37, creating the crime of criminal declaration and eliminating the competing harms justification for certain situations.

SB 38, relative to unlawful entry on premises where dangerous devices are kept.

Adopted.

Sen. Brown moved Reconsideration on SB 37 and 38.

Motion failed.

Sen. Chandler moved adjournment at 3:10 p.m.

Adopted.

Thursday, March 26, 1981

The Senate met at 1:00 p.m.

A quorum was present.

Sen. Kelly in the Chair.

The prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Lord, as You look upon us this day — may we not disappoint You.

Help us to realize that we in this Senate are an important link in the affairs of this state which affect the lives and levels of living of all its people.

May we not be self-centered or shirk our responsibilities as we strive sometimes not to the best of our abilities to perform our duties here!

Help us Lord —

Amen

Sen. Poulsen is excused by the Chair.

Senator Roy led the Pledge of Allegiance.

Sen. Monier in the Chair.

INTRODUCTION OF GUESTS

INTRODUCTION OF SENATE BILLS

Sen. Brown moved the following resolution:

Resolved, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 91-FN through 99-FN shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

SB 91-FN, to make Martin Luther King's birthday a legal holiday. (Sen. Splaine, Dist. 24; Rep. Camuso, Rockingham, Dist. 2; Rep. Mulligan, Hillsborough Dist. 19; Rep. Wood, Rockingham Dist. 22; Rep. Cotton, Rockingham Dist. 21; Rep. Read, Rockingham Dist. 23; Rep. Aeschliman, Rockingham Dist. 18; Rep. Pantelakos, Rockingham Dist. 23; Rep. Krasker, Rockingham Dist. 22; Rep. MacDonald, Rockingham Dist. 20; Rep. Sackett, Strafford Dist. 4; Rep. Copenhagen, Grafton Dist. 13; Rep. Burchell, Strafford Dist. 12; Rep. T. DeNafio, Strafford Dist. 19; Rep. P. DeNafio, Strafford Dist. 19; Sen. Lessard, Dist. 21 — To Internal Affairs)

SB 92-FN, changing the qualifying dates of services for the veterans' exemption. (Sen. Chandler, Dist. 7 — To Public Affairs)

SB 93, extending the time period in which a sentence may be suspended. (Sen. Rice, Dist. 15 — To Judiciary)

SB 94-FN, requiring agencies to include financial impact statements in notices of intended action under the administrative procedures act. (Sen. Monier, Dist. 9; Sen. Sanborn, Dist. 17; Sen. Conley, Dist. 3; Sen. Roy, Dist. 22; Sen. Podles, Dist. 16; Sen. Wiggins, Dist. 8; Sen. Brown, Dist. 19; Sen. Mann, Dist. 11; Rep. Tamposi, Hillsborough Dist. 16; Rep. Baker, Hillsborough Dist. 14; Rep. Lamy, Hillsborough Dist. 35 — To Executive Departments)

SB 95-FN, requiring agencies to submit proposed rules for legislative approval prior to filing a notice of intended action. (Sen. Monier, Dist. 9; Sen. Brown, Dist. 19; Sen. Sanborn, Dist. 17; Sen. Podles, Dist. 16; Sen. Conley, Dist. 3; Rep. Tamposi, Hillsborough Dist. 16; Rep. Baker, Hillsborough Dist. 14; Rep. Lamy, Hillsborough Dist. 35.

SB 96-FN, requiring legislative approval of applications for federal funds. (Sen. Monier, Dist. 9; Sen. Sanborn, Dist. 17; Sen. Podles, Dist. 16; Sen. Lamontagne, Dist. 1; Sen. Mann, Dist. 11; Sen. Conley, Dist. 3; Rep. Tamposi, Hillsborough Dist. 16; Rep. Baker, Hillsborough Dist. 14; Rep. Lamy, Hillsborough Dist. 35 — To Ways and Means)

SB 97-FN, excluding golf carts from the vehicles taxed as personal property. (Sen. Sanborn, Dist. 17 — To Public Affairs)

SB 98-FN, lowering the age requirement for eligibility for golden granite state discount cards. (Sen. Lamontagne, Dist. 1; Sen. Lessard, Dist. 21; Rep. Katsiaficas, Hillsborough Dist. 23; Sen. Roy, Dist. 22; Sen. Bergeron, Dist. 6; Sen. Sanborn, Dist. 17; Sen. Monier, Dist. 9 — To Public Institutions and Health and Welfare)

SB 99-FN, changing the criterion for involuntary emergency hospitalization. (Sen. Roy, Dist. 22 — To Public Institutions and Health and Welfare)

HOUSE MESSAGES

Introduction of House Bills

Sen. Brown moved the following resolution:

Resolved, that in accordance with the list in the possession of the Clerk, House Bills starting with number 294-FN and ending with HB 291 which corresponds to the lists on your desks, shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

HB 294-FN, imposing a penalty for improperly parking in areas designated for handicapped persons. (To Transportation)

HB 389, relative to the use of dealer plates on consigned vehicles. (To Transportation)

HB 11, making appropriations for the modification of the Mount Washington summit building and to make it accessible for handicapped persons and for the completion of necessary repairs and drainage improvement at the state prison and rela-

tive to call provisions in state bonds and issuance of refunding bonds. (To Finance)

HB 89, to eliminate the usury law relative to automobile loans. (To Banks)

HB 109, amending the mechanics lien law. (To Banks)

HB 280, limiting hunting in Meredith Neck to shotguns, muzzle loaders and bow and arrow. (To Development, Recreation and Environment)

HB 247, prohibiting full-time town, village district or school district employees from serving on the town budget committee. (To Public Affairs)

HB 297, allowing certain school districts the option of electing the clerk, the moderator and the treasurer for 3-year terms. (To Education)

HB 313, relative to municipal authority to adopt conflict of interest ordinances. (To Public Affairs)

HB 331-FN, relative to the county jails maintained at Haverhill and Manchester. (To Public Affairs)

HB 442-FN, allowing school districts to adopt an article or a line item for unanticipated funding. (To Education)

HB 383, amending certain laws relative to education. (To Education)

HB 414, authorizing borrowing by the Lamprey regional solid waste cooperative. (To Internal Affairs)

HB 309, requiring persons engaged in hunting of deer with a firearm to wear an outer garment of clothing in a color known as hunter orange. (To Development, Recreation and Environment)

HB 371, prohibiting the taking of wild bear or the training of dogs to take bear within $\frac{1}{4}$ mile of any public disposal facility. (To Development, Recreation and Environment)

HB 362-FN, simplifying the procedures for registering motor vehicles by designating certain municipal officials as agents. (To Transportation)

HB 469, relative to the use of emergency signals by emergency vehicles. (To Transportation)

HB 260, permitting school districts to establish revolving funds for construction projects as part of instruction in the building trades. (To Education)

HB 291, relative to the Benjamin Thompson trust fund. (To Education)

HOUSE MESSAGES

HOUSE CONCURS WITH SENATE AMENDMENT

HB 80, authorizing the executive director with the consent of the commission to control the seasons, methods of taking, sex limitations and other conditions relative to wild deer.

HOUSE CONCURS

SB 30, extending the degree granting authority of Hesser College.

SB 32, extending the degree granting authority of New England College.

SB 33, extending the degree granting authority of New Hampshire College.

SB 42, extending the degree granting authority of McIntosh College.

HOUSE REFUSES TO CONCUR
REQUESTS A COMMITTEE OF CONFERENCE

HB 9-FN, making an appropriation to cover the 1980 fiscal year deficit in funds apportioned for handicapped education.

The Speaker has appointed as members of said committee of conference on the part of the House of Representatives: Rep. Boucher, Rep. Taffe, Rep. Hanson and Rep. Chambers.

Sen. Kelly moved to lay the message on the table.

Adopted.

Sen. Roy in the Chair.

COMMITTEE REPORTS

HB 239, relative to the sealing and sale of skins. Inexpedient to legislate. Sen. Wiggins for the committee.

SEN. WIGGINS: We had a hearing on this bill and there were a few things we didn't like about it. First was, if you caught a fur-bearing animal in a trap you had to take him home before

you could continue on your trap line. There were other sections of it we had disagreements about which would have made it almost impossible to trap. We urge the Senate to go along with our findings of inexpedient to legislate.

Adopted.

HB 238, changing the date for trapping reports on furbearing animals. Ought to pass. Sen. Wiggins for the committee.

SEN. WIGGINS: We heard testimony from the trappers and they were in agreement with this. It shortens up the time of filing their reports. The main thing was they wouldn't forget to file the report if we shortened up the date of the report filings. So we concurred with the bill.

Adopted. Ordered to third reading.

HB 45, repealing the statute requiring that bears doing damage be destroyed. Ought to pass. Sen. Wiggins for the committee.

SEN. WIGGINS: All bears that were doing damage before at one time had to be killed but now they trap them, tranquilize them and move them to a new section of the state, thereby saving a big game animal. It requires a lot of sport and science to shoot a bear. We urge passage of this bill.

Adopted. Ordered to third reading.

HB 3, allowing the use of crossbows by a physically handicapped person. Ought to pass. Sen. Wiggins for the committee.

SEN. WIGGINS: There are only 10 people involved in this bill. The Fish and Game Department testified against it but they were thinking that perhaps there would be some violations. But there were only 10 people involved so there couldn't be very many serious violations and we urge passage of the bill for the physically handicapped.

SEN. BLAISDELL: Was there any other testimony from any other handicapped person who would be left out of this bill.

SEN. WIGGINS: We had testimony from one young man from Charlestown who had part of a hand. We gave that some discussion but we didn't know how many would be involved and seeing that the department was against the crossbow bill in the first place we let it go with the ten.

Adopted. Ordered to third reading.

HB 203-FN, relative to sunset review of the Connecticut River Valley Flood Control Commission. Ought to pass. Sen. Wiggins for the committee.

SEN. WIGGINS: This bill came to us without amendment from the House and all it does is keep the Flood Control Commission alive. There is no money involved and they only meet once a year. We recommend passage.

Adopted. Ordered to third reading.

HB 205-FN, relative to sunset review of Merrimack River Flood Control Commission. Ought to pass. Sen. Wiggins for the committee.

SEN. WIGGINS: This bill is identical to HB 203. It just keeps alive the Flood Control Commission for the Merrimack River and we recommend passage.

Adopted. Ordered to third reading.

Recess.

Out of recess.

Sen. Kelly in the Chair.

HB 40, relative to fish and game matters. Ought to pass with amendment. Sen. Wiggins for the committee.

SEN. WIGGINS: This is an omnibus bill for the Fish and Game Department. What it really does is give all the regulations to the executive director of the Fish and Game Department to set seasons on fur-bearing animals. We amended it because they had in there that if you owned some land that

the beaver were starting to make a beaver pond on and you wanted them taken out you had to first go to the director and get permission. So if you own the land you should have the prerogative whether you want a dam there or not so we amended it and took that section out of the bill. Otherwise we recommend passage as it is now with amendment.

Amendment to HB 40

Amend section 5 of the bill by striking out same and renumbering sections 6, 7, and 8 to read as follows:

5, 6 and 7 respectively.

Amendment adopted. Ordered to third reading.

SB 54, limiting the use of power boats on Grafton pond in the town of Grafton. Ought to pass. Sen. Wiggins for the committee.

SEN. WIGGINS: We had a hearing on this bill and all the testimony was in favor of limiting the use of big boats on Grafton pond because of the stumps and the shallow conditions of the pond. We recommend passage. It's a good fishing pond and a lot of people like to go up there canoeing and we recommend holding the power boats out of the pond when there are plenty of other large ponds for them to use.

SEN. BLAISDELL: How big a pond is Grafton pond?

SEN. WIGGINS: I would say it's about a 1/3 mile wide and maybe 1/2 mile long, full of inlets and coves, stumps, brush and everything else.

SEN. BLAISDELL: That's pretty close to what Sen. Hough just told me. Have you lost any lures up there Senator?

SEN. WIGGINS: I've lost a few.

Adopted. Ordered to third reading.

SB 67-FN, relative to the regulation of the sale of securities. Ought to pass. Sen. Freese for the committee.

SEN. FREESE: This bill repeals the the present statutes covering the sale of securities and creates a new chapter which

regulates the sale of securities. This proposed legislation has been worked on for the past three years within the insurance department and the attorney general's office. The attorney general's office and the insurance department appeared for the bill, there was no testimony against the bill. The present regulations have not been changed since 1917. Many new innovations have taken place in the market place since that time. All this proposed legislation does is to make it possible for the regulatory agency, which is the New Hampshire Insurance Department, to do its job. The committee recommends it ought to pass.

Adopted. Ordered to third reading.

SUSPENSION OF THE RULES

Sen. Roy moved that the rules of the Senate be so far suspended as to allow introduction of HB 76-FN with only one day's calendar notice of hearing.

Adopted.

HB 76-FN, to expand the authority of direct care employees at Laconia State School to administer medications. Ought to pass. Sen. Stabile for the committee.

SEN. STABILE: This bill expands the authority of qualified direct care employees at the Laconia State School to administer rectal and topical as well as oral medications pursuant to the order or prescription of a licensed physician. Last legislative session there was a bill that allowed direct care employees of the Laconia State School who have passed the test and taken a course to administer oral medications. We would like to expand that to mean oral and rectal and topical medications. This simply is a clarification for the authority of the direct care employees. The superintendent of the Laconia State School testified for this piece of legislation, there was no opposition. The committee recommends ought to pass. I might add that I would like to thank Sen. Roy for allowing my first report to deal with the difference between oral and rectal matters. I am not entirely sure what the importance of this is but I appreciate her thoughts.

Adopted. Ordered to third reading.

ENROLLED BILLS REPORT

HB 2, relative to criminal trespass on railroad property.

HB 30, to permit the New Hampshire transportation authority to make recommendations for railroad police appointments.

HB 35, relative to administrative review of sanctions against official inspection stations.

HB 41, relative to snowmobile sound level and safety standards.

HB 49, relative to the preparing of title applications by dealers making courtesy deliveries.

HB 71, naming the bridge on Route 49 at Goose Hollow in the town of Thornton after Andrew Robertson.

HB 73, concerning the state scholarship program set up in RSA 200-D.

HB 91, extending the degree granting authority of Castle Junior College.

HB 93, extending the degree granting authority of Lebanon College.

HB 103, naming section of New Hampshire 101 Highway between Auburn-Candia town line and the Raymond-Epping town line — The Robert C. Erler Highway.

HB 224, relative to sunset review of the department of revenue administration — revenue collections.

HB 278, relative to loans with and without security by co-operative banks, savings and loan associations and building and loan associations.

SB 15, extending the degree granting authority of Magdalen College.

SB 30, extending the degree granting authority of Hesser College.

SB 32, extending the degree granting authority of New England College.

SB 33, extending the degree granting authority of New Hampshire College.

SB 42, extending the degree granting authority of McIntosh College.

Sen. Lamontagne for the committee.

Recess.

Out of recess.

Sen. Conley in the Chair.

HOUSE MESSAGE

HOUSE REQUESTS CONCURRENCE IN AMENDMENT

SB 43-FN, making a capital appropriation for the Manchester access ramp project.

Sen. Sanborn moved concurrence.

SEN. SANBORN: At this time I would like to move that the Senate concur with the amendment by the House. I would like to say that, having examined the amendment, all it does is say that instead of the general funds being bonded that there will be a \$5 million bond against the central New Hampshire turnpike and a \$1 million bond for a total of \$6 million against the highway funds. I urge the members to support this.

SEN. MONIER: I want to speak to this request for concurrence because there are some rumors floating around that I want to put to rest and put to rest fast. The first one is, the proper way to have funded this was the way the Senate passed it. It was taken as an economic development approach, the figures were presented to provide back to the general fund, the arguments that were given in House Appropriations were to present to the public that you were taking \$6 million of General Funds out which was a false argument, an argument they knew was false. However, they have amended the bill. They held hearings on it. The transcripts have been read and analyzed. The truth of the matter is that Mr. Clements, the commissioner, recommended very strong that if they were going to go that way that they take \$6 million out of the sinking fund. I hope you hear that, it's a matter of record. The Appropriations Committee, on the other hand, wanted to take only \$5 million out and add \$1 million on to it from the General Highway Fund. There is a significant difference to those two figures as most of you all recognize. In one case, the \$1 million that comes out of the highway fund can be a part of a match to the federal government which in most cases averages about

7.5. So that that means that the action by the House Appropriations Committee could cost this state \$7.5 million in federal funds. When the commissioner recommended that they take it all out of the sinking fund where such would not occur, quite frankly I think that was done deliberately and I want it on the record as such because of the simple fact that we are going to be faced with the problem of a deficiency now in the highway fund and we are going to have a problem of the gas tanks, which we all know is going to happen. We are all going to have to face up to it. So be it. Unfortunately, I hate to report that the sponsor of one of the gas taxes, that is currently in the Ways and Means of the House, is also the backer of this \$1 million being added. I'll let you draw your conclusions. I am thoroughly irritated about it. I want it clearly on the record that if anybody wants to argue about it, that we shouldn't take any money out of the General Fund of the highways funds, and lose matching, I would agree. I also would agree, however, that they had an opportunity in the House to pass this bill and provide the funding in a proper fashion, where the money was going to go back to the degenerates to it. They chose the other route. Let my answer be, so be it. You only have five days before the deadline of the 31st is up. The Governor has five days to play with the bill. They suspended the rules so that we have it in five days. I recommend, gentlemen, that we let them have it. We stay with the concurrence.

SEN. MANN: This is disaster. And I want it to go on the record as such. There are approximately \$8 million in the sinking fund. This is taking away \$5 million which leaves \$3 million in your turnpike fund. Mind you, this fund is used to maintain, to pay bonds, and if you've ever had a bond readout on this it's horrendous. It's also used to take care of the eastern turnpike, which runs as a deficit and a bigger deficit now that we've closed 51. We lose about \$1 million there. I've just made some quick notes. They want \$6 million, basically. A million is coming out of the highway funds, that's already showing a deficit of \$18 million. That also can be matched federally by a 90-10, so you're really not losing a million dollars, you're losing \$9 million. It can be matched. You're losing more than that because this bonding is up over 9%, somewhere between 9% and 9½%, you pay back double, so instead of \$6 million, it's going to be \$12 million it's going

to cost the state. Originally this ramp was for an economic development for the city of Manchester. Manchester wanted this and it was to revitalize Manchester. No argument, it sure needs it. But they've got us over a barrel. I don't know what we can do about it, but I just think that we should really look at this. Nashua is coming in, pretty soon, and they're going to ask for \$70 to \$80 million, turnpike funds, to do the mess that's in Nashua. Anybody that goes through Nashua at 3:00 to 6:00 o'clock, seeing these doubles lines going down under 55-60 mile an hour traffic coming on, why more people haven't been killed in that area is a miracle. But there is \$70 to \$80 million that has to be spent over there, that we are going to bond. I just wanted you to have the facts before you vote on this thing. I think we should have got this bill back sooner. We gave it to them in plenty of time, all of a sudden the House gives it back to us and it's an emergency. We've got to have it out by next Tuesday. It has to be all done by next Tuesday. I think it's a dirty trick and I think every Senator in this room, twenty-four of us, are going to feel the impact of this before too long.

SEN. MONIER: Senator, just so everybody doesn't think we are on the adversary side. Let me say that I had already stated some of those facts, we were off by, I think, a half million dollars, whether it be 7.5 or 9, I was taking the average between 90 and 75.

SEN. MANN: They expect about \$8 million by the end of this biennium.

SEN. MONIER: I happen to agree with you, and if you heard what I said, you know I agree with you. The thing that I am saying is though, I don't agree with, is that we can't do anything about it. You can't do anything about it today. But in a conference yesterday, it was not a private conference therefore I am breaking no confidences, when the Speaker and I spoke about this Mr. Clements was there and I asked the commissioner, I said to him, what did you testify before the House Appropriations, he said I wanted it all out of the sinking fund if it had to come anywhere. Let me ask you a question, Sen. Mann, were you told that by the Appropriations, or were you told that he testified to have \$1 million come out of the highway fund?

SEN. MANN: I was told that a certain Representative on the Appropriations Committee posed this question to the

Appropriations Committee and said that this plan was okay with Commissioner Clements. I was told this by a member. This particular member called up and found out that Commissioner Clements knew nothing about it.

SEN. MONIER: Correct. I just want that also on the record, because that helps verify what you are saying, that they are playing games with us. Now, Sen. Mann, you and I have been here long enough to know that when that tax bill comes to us, which don't have any doubt, it's going to come, and if you'd like some statements about it there are press releases earlier in the campaign that it was going to be done. There is a bill now before the Ways and Means committee of the House. I might add that it has the sponsorship of a gentleman who's on the Appropriations Committee who recognizes and required and provided this amendment. When that tax bill comes here, if I have to remind the Senators, we can do a lot of things with it and put it right back in there and take the bonding off. If I have to tip my hand, and I'll be the first one to do it. The thing that I'm saying to the Senate today is, that a game was playing on this, and you're absolutely right, it did not have to come over here today. They've had it, and I don't have the exact date, but at least for two weeks. I think it came over today so that we would have it under these circumstances because there are some people that wanted to play the games with it, either for support for an additional tax because you are lowering the general highway fund, but I do know some ways to maneuver those back in again when they send over there bills and I'm not afraid to say so. So that as far as I'm concerned, I'm not going to have this kind of shenanigan pulled on the Senate, I want to concur with the bill so that now they can stand fast and deny that they did it or not and if anyone calls me about it, as you've indicated that they might call you about it, I'm going to tell them to call the House Appropriations Committee. Would you believe that sir?

SEN. MANN: Yes sir. Would you believe I think it's going to cost us \$12 million?

SEN. MONIER: No, Senator, it is not going to cost us \$12 million, that's what I just got through saying.

SEN. STABILE: Senator Mann, what impact, if we concurred with this, would this have on the Nashua project as you know it to be proposed?

SEN. MANN: It means that they've got \$3 million to play with this biennium. At the end of this biennium they expect to have about \$3 million, if this goes through, left in there. I don't think that they will even think of starting the Nashua project with \$3 million because of the bonding. We have to make ourselves secure in this bonding. You have to have some backing there and you're going to take it all away and something has got to slow down.

SEN. BERGERON: Senator Monier, I'm not entirely clear on on this matter in my mind, and I've had some other people that have asked me the same question. There is some question in our minds as to the urgency of this matter. It's unclear in some minds as to exactly why the action has to be taken this afternoon. Would you please just go over that one more time?

SEN. MONIER: Very happy to. I thought it was a matter of record and everyone knew. As has been testified many times, in which I think there is now a letter in my office and I know the Speaker has one as well, the federal agency that funds the downtown redevelopment programs has to have legislative assent to the funding for the ramp by the last day of March. I hope that's correct, I think it's the 31st of March. In order for them to be able to finalize the grant to Manchester which has all ready to be signed. Now that's not a matter of Manchester, or a matter of state law, it follows the program rules and regulations of the various grants that are involved. I might add, that this was all explained when we went through this and sent it to the House early enough so that we wouldn't have this kind of a thing. Does that answer your question?

SEN. BERGERON: Yes. thank you.

SEN. MONIER: Maybe I could add one more thing to it. You all know, I think, that you have five days for a Governor to sign or not sign. Therefore, today is the 26th and I'm hopeful that one of the intervening weekends doesn't count for one of the days.

SEN. RICE: Senator Mann, I guess the only thing that is appropriate about the timing on this is that we all got phone calls last night concerning toll booths. If we concur today, what would you predict would happen in terms of tolls paid through all the toll gates existing or proposed, within the state?

SEN. MANN: To answer that I guess you'd have to see how much the eastern turnpike was running at a deficit and the central turnpike hasn't really picked up as much as the highway thought it was going to due to the snow conditions. I would see probably a substantial increase in tolls to be able to do this. I would think, but that's just off the top of my hat.

SEN. RICE: There is a potential of an increase of tolls even without the Nashua project that Sen. Stabile alluded to. Are you implying with Sen. Stabile that that would have to be set aside for now because of a balance of only \$3 million in the turnpike fund? If that was to go then that would certainly have a further effect upon highway tolls, is that correct?

SEN. MANN: I would think that the Nashua project would have to be put off until the tolls built up. To see the impact of this thing. That would be my feelings toward it. I haven't talked with the commissioner but that would be my feelings toward it, that it would have to be slowed down a little bit to see how these tolls are coming in. I think if you take it away and leave just a \$3 million sinking fund there you are in jeopardy of pushing up the tolls anyway. With just this act, I think you are in jeopardy of pushing up the tolls.

SEN. RICE: In fact, would you agree that the action that the House took and the action that we've got today could result in citizens of the entire state either losing programs or paying for what was an economic development program for the city of Manchester?

SEN. MANN: I would agree and I think that the House did a dirty trick.

SEN. STABILE: Senator Monier, in your opinion would this concurrence jeopardize the Nashua situation?

SEN. MONIER: If that was going to be the end of it. I have been listening to the conversation of Sen. Mann. If concurrence with this is the end of the whole situation between now and the time we get the tax bill, the answer would have to be yes. But it should be pretty obvious from what I said that it isn't the end of it.

SEN. STABILE: Would you consider, whereas Tuesday would be the last date that we have, tabling this until we could discuss it further?

SEN. MONIER: No, I would not. I've already said that I don't know about the five days and I don't see any reason

to do it. To be very frank with you I disagree with Sen. Mann, I think I'm not sure, on the very fact that we cannot resolve it afterwards. You don't have to use this bill to do it. I know several ways it can be done and I think we have enough brains in the Senate to do it. I can guarantee you one thing, and I'll say it for the record, that if a way can be found the \$1 million will be put back in the fund and you would not lose the \$8 or \$9 million or whatever it is, with it. Therefore if you didn't it isn't going to jeopardize Nashua one little bit because in the first place, if I may, yesterday at the same conference I told the highway department that it was the worse plan it could ever put forth in the history of the highway, where they were going to put a toll booth between two of your ramps. The answer I got was that it was a consultant's recommendation. My answer was that they had better hire a better consultant. So I don't think the Nashua price cost is a part of this at all except, I admit, with the House Appropriations Committee taking money from them they haven't helped any. But I'm not one that says we can't do something about it and I would suggest that the people in Nashua concerned about it go and find out what the Nashua delegation voted on this Appropriation.

SEN. BLAISDELL: I share the same thoughts as Sen. Mann, but I also understand what Sen. Monier is saying. I think in this Senate we have enough brains to take care of this when the bill comes back to us. I'm going to vote for this. I don't like what the House has done. I have some other concerns that I don't think have even been considered here. I'm not sure that my concerns are the same as some other people, but we have bonds that we are forced to pay off, we have a sinking fund, as he said, that we think will be \$8 million at the end of the year. You're going to take \$5 million out of that. I just wonder what that might do if any bond council might be upset with what we are doing and check into our other bonds that we have because we have to pay for toll booths in other areas. Maybe that isn't a concern, but it is a concern to me. I'm going to vote for this. I think it's a responsible thing again to do. I'm going to shock some people again because I'm with Sen. Monier. I'll be on the radio again I'm sure. This is the right thing to do, I think the House has forced us into something that really is a bad situation. It's wrong. And to the people from Nashua, I can tell you that I think

there are enough brains in this Senate to be able to do something about it in some other bills.

SEN. PRESTON: I dislike the legislative tactic too, but we indicated our support for this very strongly, the Governor has indicated and pledged his support to the city of Manchester, and I think we should keep that commitment. There's an April 1st deadline with HUD or the whole project goes down the tube. So let's keep that commitment and not dangle the city of Manchester and the officials to whom we've made the commitment. Let's fulfill it today and if we have to use legislative tactics to reimburse that fund, let's do it. Let's all vote for this today as we did before.

SEN. MANN: Would you agree with me that tolls should be put back on Route 51?

SEN. PRESTON: When that's debated I'll be pleased to give you an answer, Senator, but I don't want to muddy up the waters. If you'll vote on this one today to clear this one up we'll discuss that one later.

SEN. MANN: I will vote on this one, you can be assured.

Sen. Blaisdell moved the previous question.
Seconded by Sen. Monier.

Adopted.

Recess.
Out of recess.

Sen. Blaisdell requested a Roll Call.
Seconded by Sen. Monier.

The following Senators voted yes: Lamontagne, Conley, Freese, Hough, Bergeron, Chandler, Wiggins, Monier, Blaisdell, Stabile, Boyer, Kelly, Rice, Podles, Sanborn, Stephen, Brown, Champagne, Lessard, Roy, Preston, and Splaine.

The following Senator voted no: Mann.

22 yeas 1 nay

Adopted.

Sen. Stabile spoke under Rule 44.

SEN. STABILE: I voted yes, qualifiedly, because in no way do I want to jeopardize the Nashua project. I feel assured that the Senate will be able to solve this problem that the House Appropriations Committee has sent back to us. And at a later date we will be able to rectify the situation so that in no way will it jeopardize the Nashua project which is so sorely needed in the Bedford to Mass line.

Sen. Lamontagne spoke under Rule 44.

SEN. LAMONTAGNE: I too would like to explain the reason why I voted in favor of this amendment. When I needed support when I amended the tax bill for the Spaulding Turnpike I received support from Manchester. I felt that I didn't want to jeopardize their project and therefore I have voted in favor of this motion. At the same time I fully realize that the people up north, if tolls are going to be placed on turnpikes, that we are going to have to pay the bill just like anyone else. I just hope that Manchester won't forget that I did vote in favor of them, even though I don't feel it has any benefit for us.

Sen. Blaisdell spoke under Rule 44.

SEN. BLAISDELL: I haven't very often used Rule 44 but I think with that vote 23 to 1, Sen. Mann was the only one that voted against it. I think Sen. Mann's vote was really to stand up for the integrity of the system, the politics of the day were not good. I just wanted to be sure that we should heed his words. I think, absolutely, Sen. Mann is right. But the politics today just aren't there and I'm sorry that he couldn't have voted with us.

Sen. Monier spoke under Rule 44.

SEN. MONIER: Sen. Mann, I want you to know, don't feel bad I got beat 23 to 1 once. The truth of the matter is, you weren't beaten because we were on the same side. I'd like to make a point that I think you brought out, and I'd like to ask you a question. I don't know what date it was we sent that to the House but I think it ought to be a matter of record so the Senate understands that there was plenty of time to discuss this. I would like to ask if anybody that is on Finance had any contact from the Appropriations with respect to this bill? I happen to know that they did not, but I thought they might like to be on record as saying so. Do you happen to know the date which we passed this bill over?

SEN. MANN: I have it as February 17 that we had the hearing on that bill.

SEN. CONLEY: For edification of the Senate, it was passed to the House on February 19, 1981.

SEN. MONIER: Parliamentary inquiry, Mr. President. I think the record will also show, if I'm correct, that we moved that expeditiously from one to the other. That we took that directly into Finance so as to not lose any days or time, that we held a very short hearing on it. We may have even suspended the rules in order to put it over there that day.

Sen. Champagne spoke under Rule 44.

SEN. CHAMPAGNE: All I can say is that I think the House did pull some political shenanigans. I'm not on Finance and I'm not sure that I understand all the implications. All I can say is we will remember that. The other thing I want to say is I think we've taken care of a real need, the fact is we have a real need in the city of Manchester for this bill and on behalf of the city all I can say is thank you.

Sen. Boyer spoke under Rule 44.

SEN. BOYER: I voted for this because we made a commitment on this ramp and I think we have to follow through in the commitment. And secondly, in reliance with the leadership of the Senate I too believe that we can straighten out the mess later. For those reasons I voted for the motion.

ANNOUNCEMENTS

Sen. Brown moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills ordered to third reading be read a third time by this resolution and that all titles be the same as adopted, and that they be passed at the present time; and that when we adjourn, we adjourn until Tuesday, March 31, 1981 at 1:00 p.m.

Adopted.

LATE SESSION

Third Reading and Final Passage

HB 238, changing the date for trapping reports on furbearing animals.

HB 45, repealing the statute requiring that bears doing damage be destroyed.

HB 3, allowing the use of crossbows by a physically handicapped person.

HB 203-FN, relative to sunset review of the Connecticut River Valley Flood Control Commission.

HB 205-FN, relative to sunset review of Merrimack River Flood Control Commission.

HB 40, relative to fish and game matters.

SB 54, limiting the use of power boats on Grafton pond in the town of Grafton.

SB 67-FN, relative to the regulation of the sale of securities.

HB 76-FN, to expand the authority of direct care employees at Laconia State School to administer medications.

Sen. Monier moved reconsideration of SB 43-FN.

Motion failed.

Adjourned to the honor of the birthdays of Senators Roy and Kelly — 2:40 p.m.

Tuesday, March 31, 1981

The Senate met at 1:00 p.m.

A quorum was present.

The prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

My Friends,

Let us pray for the repose of the soul of our brother departed Andrew Poulsen.

His record in this Senate was outstanding. Into each decade there is always an outstanding personage and that individual was Andrew Poulsen. He will be greatly missed by all.

We also pray for the full recovery of our President, Ronald Reagan and his colleagues, who were wounded by a would-be assassin.

Give unto them, the physical, mental and spiritual strength to overcome their wounds and restore to them, good health!

We ask this in Thy Name.

Let us now have a moment of silence.

Amen

Senator Lamontagne led the Pledge of Allegiance.

Senator Freese is excused by the Chair.

ENROLLED BILLS REPORT

SB 43, making a capital appropriation for the Manchester access ramp project.

HB 45, repealing the statute requiring that bears doing damage be destroyed.

HB 76, to expand the authority of direct care employees at Laconia state school to administer medications.

HB 203, relative to sunset review of the Connecticut River Valley Flood Control Commission.

HB 205, relative to sunset review of Merrimack River Flood Control Commission.

HB 218, relative to sunset review of secretary of state — legislative services.

HB 238, changing the date for trapping reports on furbearing animals.

HB 172, relative to sunset review of the board of education — manpower development and training.

Senator Lamontagne for the Committee.

ENROLLED BILLS AMENDMENT

HB 3, allowing the use of crossbows by a physically handicapped person. Ought to pass with amendment. Sen. Wiggins for the committee.

Enrolled Bill Amendment to HB 3

Amend section one of the bill by striking out lines 2 and 3 and inserting in place thereof the following:

inserting after section 10-b the following new section:

207:10-c Crossbows Permitted For Certain Physically Handicapped Persons.

SEN. WIGGINS: This amendment rennumbers the new section so that it doesn't conflict with RSA 207:10-b inserted earlier in the session by HB 43.

Amendment adopted.

HB 215-FN, relative to sunset review of state historical commission. Ought to pass with amendment. Sen. Wiggins for the committee.

Enrolled Bill Amendment to HB 215-FN

Amend section 5 of the bill by striking out line one and inserting in place thereof the following:

5 Cooperative Markers. Amend RSA 249:39-a as inserted by 1969, 455:2 by

SEN. WIGGINS: This amendment corrects a citation error in the amending clause.

Amendment adopted.

HB 47, relative to the nonresident license for the taking of small game animals and small game birds. Ought to pass with amendment. Sen. Wiggins for the committee.

Enrolled Bill Amendment to HB 47

Amend RSA 214:9, VII-b as inserted by section 2 of the bill by striking out line 2 and inserting in place thereof the following:

as defined in RSA 207:1, XXVI, for 3 consecutive days, \$12.50, and said

SEN. WIGGINS: This amendment corrects a typographical error in the citation of the definition.

Amendment adopted.

INTRODUCTION OF SENATE BILLS

Sen. Brown moved the following resolution:

Resolved, that in accordance with the list in the possession of the Clerk, Senate Bills numbered SB 100, SB 101, SB 102-FN, SB 103-FN, and SB 104-FN shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

SB 100, making a capital appropriation to the youth development center. (Sen. Kelly, Dist. 14 – To Finance)

SB 101, relative to liability and accident and health insurance forms. (Sen. Bergeron, Dist. 6 – To Insurance)

SB 102-FN, authorizing municipalities to establish central business service districts. (Sen. Champagne, Dist. 20 – To Public Affairs)

SB 103-FN, relative to notice requirements prior to parole hearings. (Sen. Sanborn, Dist. 17; Sen. Conley, Dist. 3; Sen. Roy, Dist. 22; Sen. Monier, Dist. 9; Sen. Podles, Dist. 16; Sen. Kelly, Dist. 14; Sen. Lamontagne, Dist. 1 – To Judiciary)

SB 104-FN, making an appropriation for emergency sewer system repairs at the youth development center. (Sen. Kelly, Dist. 14 – To Finance)

HOUSE MESSAGES

INTRODUCTION OF HOUSE BILLS

Sen. Brown moved the following Resolution:

Resolved, that in accordance with the list in the possession of the Clerk, House Bills 65-FN, 50-FN, 400, 268, and 97 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

HB 65-FN, providing for payment of a claim to Gregory Shost, administrator of the estate of Frances Shost, and making an appropriation therefor. (To Finance)

HB 50-FN, to provide an emergency appropriation for the supreme court operating budget and for the state library. (To Finance)

HB 400, to permit a waiver of the motor vehicle equipment requirements or prohibitions in automobiles of handicapped persons. (To Transportation)

HB 268, concerning the administration of medications. (To Public Inst/Health & Welfare)

HB 97, making an appropriation for capital improvements. (To Finance)

HOUSE CONCURS WITH SENATE AMENDMENT

HB 223, relative to sunset review of the department of revenue administration – community services.

HOUSE REQUESTS CONCURRENCE IN AMENDMENT

SB 21, enabling cancer patients to obtain marijuana by prescription.

Senator Sanborn moved concurrence.
Amendment adopted.

Senator Kelly moved that HB 9 be removed from the table.
Adopted.

HOUSE MESSAGE

HOUSE REFUSES TO CONCUR REQUESTS A COMMITTEE OF CONFERENCE

HB 9, making an appropriation to cover the 1980 fiscal year deficit in funds appropriated for handicapped education.

Senator Kelly moved that the Senate accede to the request of the House.
Adopted.

The Chair appoints Senators Kelly, Blaisdell, Conley, and Monier.

SEN. MONIER: I would like the record to note that HB 9 was taken off the table, that it was put on the table because of the time element of our last meeting and for no other purposes, contrary to what some people would like to say publicly, and what the press would ask us questions about.

Recess.
Out of Recess.

Sen. Sanborn in the Chair.

ANNOUNCEMENTS

INTRODUCTION OF RESOLUTION

RESOLUTION

WHEREAS a resolution is the means whereby the Senate of the State of New Hampshire recognizes individuals whose contributions to the State are outstanding, and

WHEREAS Senator Andrew W. Poulsen began his legislative career as a Senator in 1971 and served with distinction for five consecutive terms in the New Hampshire Senate, and

WHEREAS Senator Poulsen throughout his legislative and public career dedicated himself to those highest ideals and principles of honesty, forthright action and integrity, and

WHEREAS a soft spoken demeanor, courtesy in thought and action, and a granite-like resolve were inseparable facets of his sterling character, and

WHEREAS his personal and direct interest in the environment, the forests and hills of New Hampshire, and the wise use of our natural resources culminated in legislation on land use and orderly growth planning which will benefit the citizens of this state for many years to come, and

WHEREAS his unselfish participation in local government as a Selectman for the Town of Littleton and as a member of the Planning Board and Town Budget Committee accrued to the common good and served as an example for others to emulate, and

WHEREAS Andy's love for his wife, Greta, his children and grandchildren reflected his strong belief in the family as a cornerstone of society, therefore be it

RESOLVED that we, the Senators of the State of New Hampshire, join in mourning the departure of our esteemed friend and dedicate ourselves to those ideals which guided the actions of the late SENATOR ANDREW W. POULSEN.

Robert B. Monier
President of the Senate

Laurier Lamontagne
District 1

Vance R. Kelly
District 14

Sen. Monier moved adoption.
Adopted.

Recess.
Out of recess.

Sen. Preston announced the passing of Former State Senator, and Racing Commissioner Byron E. Redmond, of Hampton, N.H.

COMMITTEE REPORTS

HB 304, changing reforestration week to forest conservation week. Ought to pass. Sen. Wiggins for the committee.

SEN. WIGGINS: The committee heard this bill, being no opposition on it, it just changes the time of it, we recommend it ought to pass.

Adopted. Ordered to third reading.

HB 303, encouraging annual local and state celebration on Arbor Day. Ought to pass. Sen. Wiggins for the committee.

SEN. WIGGINS: This is another bill that just sets Arbor Day to plant trees, shrubbery and forest trees. All the testimony we heard was in favor of it and we recommend passage.

Adopted. Ordered to third reading.

HB 251-FN, to eliminate the requirement for a pre-marital blood test. Ought to pass. Sen. Roy for the committee.

SEN. ROY: HB 251-FN eliminates the requirement that each application for a marriage license must supply the town or city clerk with a record of blood tests in a statement from a licensed physician. It was apparent from the testimony before the committee that of the 16,000 marriage licenses approved last year with accompanying blood test reports, only one case of syphilis was found, and yet through other medical tests and what have you, there were 5. Over the biennium this perhaps would realize a saving to the public of better than ½ million dollars. We also considered a request to the committee for a provision to be able to destroy records on blood tests and it came to the committee's attention that there is need to only keep these records for two years, so we decided not to amend the bill. It was a unanimous decision of the committee that the bill ought to pass.

Adopted. Ordered to third reading.

Recess.

Out of recess.

Sen. Bergeron in the Chair.

INTRODUCTION OF GUESTS

SUSPENSION OF RULES

Sen. Monier moved that the rules of the Senate be so far suspended as to dispense with the holding of a public hearing and notice of committee report and that SCR 5 be put on second reading at the present time.

SEN. MONIER: This current bill has already been discussed on the Senate floor. It has been put in the calendar for a hearing, I believe on this Thursday along with the other two resolutions. I would ask that the Senate would indulge me on this particular matter. At the present time, the majority of people want to pass it. It just so happens that I find I don't know of anyone who really is against it but it is SCR 5, United States to enact legislation which would require the federal government to refrain from withholding or withdrawing federal policies or practices. This resolution is for that purpose. In short, a message memorializing the Congress of the United States. I think most of you are aware that I am going to the Congress on Thursday and have been invited to testify and I would like to be able to take, from the New Hampshire Senate, some one of the resolutions which specifically deal with some of the problems that all of us recognize. I would like to have a unanimous vote on it simply because I don't think anyone here disagrees with the fact that consistently in the last 20 and 30 years the federal government puts upon us, democrat and republican and non-partisan, a tie to the money they send to us. What I am testifying to is on block grants. This resolution does not refer to block grants, it is merely to let them know that this Senate feels that the federal government ought to get out of the state's business.

SEN. PRESTON: I think I know what you're trying to do here, but would this in effect allow us not to just fire the state government in the implementation of some programs but to really violate a federal law?

SEN. MONIER: No, I don't think so. We have a right to pass resolutions memorializing Congress to do several different things. We've done it many times in the past. No way am I trying to imply that we don't agree with the kind of funding we may have. I don't think though that I've heard any one of the 24 Senators here justify the actions of the federal government whenever they put some kind of a tie on their money to us, which tells us that if we do not do this we cannot have the money which is implementing federal policies. That's what this resolution deals with. And I don't care if it's a democrat or a republican. I might add, we had several under Eisenhower and we had some under Mr. Carter. We've had them under other people. The point of it is to respond. I don't think anyone in here really feels that the federal government ought to send our money back to us and tell us you can't have it if you don't implement federal policies. That's what this resolution deals with.

Adopted by necessary 2/3 vote.

SCR 5, urging the Congress of the United States to refrain from withholding, withdrawing, or threatening to withhold or withdraw federal funds from a state as a means of requiring a state to implement federal policies or practices.

Senator Monier moved ought to pass.

Adopted. Ordered to third reading.

INTRODUCTION OF SENATE BILL First, Second Reading & Referral

SB 10-FN, making supplemental appropriations to the division of welfare and making adjustments to unrestricted revenue for board and care. (Sen. Monier, Dist. 9; Sen. Bergeron, Dist. 6; Sen. Sanborn, Dist. 17)

SUSPENSION OF RULES

Sen. Monier moved that the rules of the Senate be so far suspended as to dispense with the printing, reference to committee and the holding of a hearing on SB 10.

SEN. MONIER: SB 10-FN, which was introduced by myself, Sen. Bergeron, Sen. Sanborn who is obviously your chairman and co-chairman of the Finance Committee, is to make supplemental appropriations to the division of welfare and making adjustments to unrestricted revenue for board and care. Let me explain, very frankly, where the Senate stands on this. You will have before you within the next day or two a supplemental budget bill. That supplemental budget bill was in a joint hearing of House Appropriations and Senate Finance yesterday. That was called with agreement between the House and the Senate. The Senators attended. That appropriation bill includes within it one section which this bill now is a duplicate of. One section of that supplementary appropriations bill, which is HB 425, has within in exactly the same funding, wording, etc., that this bill has. The question might well be raised, therefor, by the Senate members as to why are we dealing with this bill? Well, because there are two other elements that are involved. The first is that this particular funding, which incidently amounts to a total of \$4,546,617, has a deadline of this Friday, April 1st. Not a deadline created by the legislature, I should add, not a real deadline created by the executives, there is no blame in it unless it is lack of communication. The truth of the matter is, that if the supplemental bill, HB 425, is not passed by this Friday then all of the welfare recipients who fall within these various groupings and categories, the AFDC assistance payments, the OAA assistance payments, the ANB assistance payments, the grants to nursing homes, the ICF state institutions, the grants to providers, the grants to the needy blind, etc., will be receiving, if we do not pass the appropriation by this Friday, notifications of cancellations of those benefits after 30 days. What's more important is not the 30 days, if you've ever seen the needy or seen the elderly or the blind, as they receive these notices, it is better that they do not. There is no necessity of them receiving these notices on Friday if we take this action. The only alternative would be to accept

the full supplementary budget bill with amendments and with a total amount of approximately \$80 million dollars in which the rest of the ingredients do not have a deadline of Friday. The answer therefore was that the decisional leadership in this Senate, and I think was probably agreed to by the minority leadership and we will hear from them later, and also agreed to by the House leadership now, and I think by the Governor's office although I cannot speak for them, is, that what needs to be done is that we meet our responsibilities of debts that are owed or will be owed, that we do not put these people off the roles in 30 days, nor do we put them through the anguish of receiving notices of termination and later taking care of them. Unfortunately, this has been tied up with many other facets of the supplementary budget, none of which I have any arguments with at this time, none of which, that I know of, that any other Senator has an argument with at this time. The only argument is that we will receive that other bill, or we are going to receive that other bill today and will have to suspend the rules and pass it all. And that, as Senate President, I refuse to do. There are amendments that were heard before the committee yesterday which none of us really had a chance to analyze. That doesn't mean we are against them, it doesn't mean we are for them. The House wanted us, and asked us politely, to sit with them in executive session today and agree to them. Unfortunately we have had the death of one of our colleagues, we are not going to be in session tomorrow, we are going to be attending a funeral, we have problems meeting a deadline on Thursday. The answer to that was that I felt very strongly, and I think it would be agreed upon by all of you, that we would have been dealing with a full bill for the sake of one segment which I don't know that any of us are really against, but I leave that to the discussion and debate. Therefore the simplest answer was to do what we did, pull that portion of the bill out which is in the current supplementary payment bill. I even took the pains to have legislative services and the LBA, to take out only what the House in its executive session of the appropriations had agreed to. Do I make myself clear? In short, only what they've already agreed to is what is in this bill. Now if they want to change their minds, I can't help that. There is nothing in here that is different from what the House Appropriations Committee in executive session

hasn't already said will be a part of their current supplemental budget bill, HB 425. I did this so that no one in the state of New Hampshire, the press, the public, the Governor's office, the Senate President's office, the Speaker of the House's office, the providers, the health and welfare, and everybody else that usually has something to say without being in on how we are operating and what is there, cannot say that this body of the legislature, nor the House body of the legislature, was trying to put together a budget which would deny those recipients, by Friday, the right to continue. That's the only motive. It is not partisan, it isn't democratic, it isn't republican. If there was a problem it was procedural between the House and Senate, and that's resolved. Very seldom have I ever done this, brought a bill in and asked for suspension of rules, hearings, etc. I can only assure you people this, the Senate Finance Committee did sit at the joint session yesterday, therefore we really have heard this bill. We have heard this part of the whole bill, we've heard the whole bill. All we are dealing with is this part. I've had this checked very carefully by the staff, by the LBA, I believe everyone else has checked it as well. I've met with the Speaker of the House, and that's why the long delay because I'd rather do these things with debate and deliberation than in controversy. I don't think we have any problem. I will ask, if we pass this bill, that we suspend the rules again and put it on third reading and immediately send it to the House who then can act on it if they so desire, take it out of their other budget, deal with it separately, but the Senate will not be in a position nor will the House be in a position by our actions, of coming Friday, having to buy a whole package to take care of the only portion of it which becomes due on Friday.

SEN. SANBORN: Do I remember correctly that last night before we broke up in the joint hearing that at that time the the chairman of the House Appropriations Committee made a statement that the entire bill that is coming in from the House was going to have to be redrafted last night?

SEN. MONIER: I think that the statement was somewhat to that, and that was it would be redrafted to include the amendment which they had received that day and which they agreed upon in their executive session today, which they held this morning. We would have gotten an amended bill.

SEN. SANBORN: Also, Senator, do I remember correctly that one of the amendments was to the extent of breaking a restricted fund of the state to pay the operational expenses of the OHRV people?

SEN. MONIER: The answer to that is, and I want to be very careful, I do not feel that the debate on this issue should go into what the House does with that bill. One of the amendments offered and which I am not assured has been passed by the House in their executive session, I think it was but I don't know, was exactly what you said. I think your point of question is, that we would have been faced with a bill which I think was described by another Senator to me in a conversation, as an omnibusman bill, in which we would have been asked to have passed it by Friday because of the one section which I think we are all vitally concerned with. I have said before and I will say it again, I would have refused to have done that and I would have urged the Senate not to have done it. I think we've worked out a proper deliberation to take care of that problem while at the same time making no commitments nor any opposition statements with respect to what is in the bill when it does come to us. I have not in any way at all, implied that what they send over is bad or good. I think we need to deliberate on that matter and I think we need longer than Friday, that's the action I've taken.

SEN. LAMONTAGNE: I would like to have you repeat again, what is the total amount of this bill?

SEN. MONIER: The total amount which we are appropriating even though this runs through the total budget so you correct the figures, is \$4,546,617.

SEN. CONLEY: You mentioned one restricted revenue adjustment, was that part of the bill from yesterday?

SEN. MONIER: Yes, Senator, and I'm glad you asked that question. That is a washout of payments from the federal government to the state for assistance grants which then goes right back into it again. It has nothing to do with the total but it needs to be done because it's within that health and welfare appropriation. Does that answer your question?

SEN. CONLEY: It does.

SEN. MONIER: If I'm not mistaken I can find the explanation for it, but the explanation very simply is that it deals with payments to state intermediary care facilities for those patients eligible for medicaid. You have to put it in in order

to take it out. So therefore, this is a part of that whole bill. It is not an appropriation, it is a washout. It's an accountant transfer, I guess would be the best way to describe it.

SEN. CONLEY: Senator Monier, am I right in assuming that under VII, grant to provide, is that that takes care of the medicare optional area that was advertised in the newspapers some time ago?

SEN. MONIER: Quite a few of them were advertised in the newspaper so I don't know which one, but just let me check.

SEN. CONLEY: This was a complete list of medicare optional services.

SEN. MONIER: I think the answer to that is correct. Yes.

SEN. PRESTON: We have Sen. Blaisdell, myself and others, responsible for delays today, we apologize but don't regret them. There were serious procedural problems here and I don't lay it at the feet of our mild-mannered Senate President in any way, but this suspension of the rules for such a bill was going to be interpreted for something other than what it is and we are going to have a confrontation as I saw it and perhaps would not have agreed upon the bill by Friday. So for the sake of the 35,000 people who would receive these notices, I intend to vote for this today. We did delay to consult with the House leadership and the Governor's office and for that I commend the Senate President for doing so. I think it should be known that we will still have our supplemental budget bill coming in that we will consider but our action today is now more clearly understood by those who would have disagreed with it.

Adopted by necessary 2/3 vote.

SUSPENSION OF RULES

Sen. Monier moved that the rules of the Senate be so far suspended as to dispense with the committee report on SB 10 and place it on second reading at the present time.

Adopted by necessary 2/3 vote.

Senator Blaisdell moved the previous question.
Adopted.

Adopted. Ordered to third reading.

SUSPENSION OF RULES

Sen. Monier moved that the rules of the Senate be so far suspended as to place SB 10 on third reading and final passage at the present time.

Adopted.

Third Reading and Final Passage

SB 10, making supplemental appropriations to the division of welfare and making adjustments to unrestricted revenue for board and care.

Adopted.

Sen. Monier in the Chair.

ANNOUNCEMENTS

Sen. Brown moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills ordered to third reading be read a third time by this resolution and that all titles be the same as adopted, and that they be passed at the present time; and that when we adjourn, we adjourn until Thursday, April 2, 1981 at 1:00 p.m.

Adopted.

LATE SESSION

Third Reading and Final Passage

HB 304, changing reforestation week to forest conservation week.

HB 303, encouraging annual local and state celebration on Arbor Day.

HB 251-FN, to eliminate the requirement for a pre-marital blood test.

SCR 5, urging the Congress of the United States to refrain from withholding, withdrawing, or threatening to withhold or withdraw federal funds from a state as a means of requiring a state to implement federal policies or practices.

Adopted.

Sen. Roy moved the Senate adjourn at 3:55 p.m.

Adopted.

Thursday, April 2, 1981

The Senate met at 1:00 p.m.

A quorum was present.

Sen. Sanborn in the Chair.

The prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Open our eyes, Lord, that we may not be blinded by our own desires.

Help us to understand the feelings of others as we delve into the business of the day.

Teach us the meaning of charity — in order that we may carry it forth within our very own lives and dealings.

Admonish us when we are wrong and Bless us when we do right.

Amen

Sen. Boyer led the Pledge of Allegiance.

Sen. Monier is excused for the day.

INTRODUCTION OF SENATE BILLS

Sen. Brown moved the following resolution:

Resolved, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 105-FN through 123-FN and

SJR 2 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

SB 105-FN, increasing sheriffs' travel and per diem fees. (Sen. Lamontagne, Dist. 1 — To Ways and Means)

SB 106, amending the charter of the Nashua Trust Company. (Sen. Boyer, Dist. 13; Sen. Kelly, Dist. 14; Sen. Stabile II, Dist. 12 — To Banks)

SB 107, relative to court ordered work programs. (Sen. Preston, Dist. 23 — To Executive Departments)

SB 108, requiring the change of village district boundaries to be initiated by a referendum of the registered voters of the district. (Sen. Preston, Dist. 23 — To Executive Departments)

SB 109, to require the filing of statements of justification for certain actions of state prosecutors in plea bargaining. (Sen. Preston, Dist. 23 — To Judiciary)

SB 110, allowing insurers to offset unpaid premiums from amounts owed on claims. (Sen. Lamontagne, Dist. 1; Rep. Burns, Coos Dist. 4 — To Insurance)

SB 111, establishing that human life begins at conception. (Sen. Chandler, Dist. 7 — To Public Institutions, Health and Welfare)

SB 112, providing a referendum to discontinue the office of the city manager in the city of Berlin. (Sen. Lamontagne, Dist. 1 — To Public Affairs)

SB 113, relative to Mascoma Valley regional school district school board. (Sen. Hough of Dist. 5 — To Education)

SB 114, legalizing the Richmond town meeting. (Sen. Mann, Dist. 11; Rep. Davis, Cheshire Dist. 4 — To Executive Departments)

SB 115, permitting cities and towns to make bylaws relative to the operation of pinball machines. (Sen. Chandler, Dist. 7 — To Public Affairs)

SB 116, legalizing actions taken at the Sandown town meeting. (Sen. Sanborn, Dist. 17; Sen. Brown, Dist. 19 — To Executive Departments)

SB 117, relative to extension of coverage under group health insurance policies. (Sen. Bergeron, Dist. 6 — To Insurance)

SB 118, requiring pharmacies to establish and maintain a

patient profile system. (Sen. Bergeron, Dist. 6 — To Public Institutions, Health and Welfare)

SB 119-FN, relative to sunset review of the New Hampshire municipal bond bank. (Sen. Roy, Dist. 22 — To Banks)

SB 120-FN, establishing a boxing and wrestling commission and making an appropriation therefor. (Sen. Stephen, Dist. 18; Sen. Blaisdell, Dist. 10; Sen. Champagne, Dist. 20 — To Development, Recreation and Environment)

SB 121-FN, relative to the commission to develop a statewide water policy and making an appropriation therefor. (Sen. Sanborn, Dist. 7; Rep. Heald, Hillsborough Dist. 5 — To Development, Recreation and Environment)

SB 122, relative to the notice provided to shareholders upon an offer to takeover or merge with a domestic insurer. (Sen. Wiggins, Dist. 8 — To Banks)

SB 123-FN, authorizing an assistant county attorney for Sullivan county. (Sen. Wiggins, Dist. 8; Rep. LeBrun, Sullivan Dist. 3 — To Executive Departments)

SJR 2, relative to retirement credit for Margaret M. Upson. (Sen. Hough, Dist. 5 — To Finance)

HOUSE MESSAGES

INTRODUCTION OF HOUSE BILLS

Senator Brown moved the following resolution:

Resolved, that in accordance with the list in the possession of the Clerk, House Bills starting with number 102 and ending with 511-FN which corresponds to the lists on your desks, shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

HB 102, relative to the chemical analysis of substances seized as physical evidence in certain drug offenses and its use at trial. (To Judiciary)

HB 253, relative to unreasonable rules and the health and safety conditions affecting tenants in mobile home parks. (To Public Affairs)

HB 283, relative to the support and custody of children. (To Health and Welfare)

HB 148-FN, relative to sunset review of electricians board. (To Executive Departments)

HB 154-FN, relative to sunset review of land surveyors. (To Executive Departments)

HB 155-FN, relative to sunset review of plumbers board. (To Executive Departments)

HB 344-FN, providing that only prevailing parties may receive attorney fees in removal proceedings for state officials. (To Judiciary)

HB 416, removing the requirement for statewide library borrower's card. (To Public Affairs)

HB 310, prohibiting persons from running as independent candidates after losing in the partisan primary. (To Executive Departments)

HB 332-FN, amending the provisions of law regarding the towing of abandoned vehicles. (To Transportation)

HB 445-FN, relative to the classification of highways, highway aid apportionment and highway regulations. (To Transportation)

HB 408-FN, relative to the issuance of agricultural registrations. (To Development, Recreation & Environment)

HB 457-FN, making certain revisions in the motor vehicle road toll laws. (To Ways & Means)

HB 537, relative to the maintenance of public cemeteries. (To Public Affairs)

HB 298, relative to the investigative duties of probation officers. (To Judiciary)

HB 511-FN, relative to railroad tax payments. (To Executive Departments)

HOUSE CONCURS WITH SENATE AMENDMENT

HB 40, relative to fish and game matters.

HOUSE CONCURS

SB 40-FN, removing the interest rate limitation on money borrowed by the city of Concord to aid its school districts.

SB 19, relative to the Spaulding extension.

Sunset Bills House Made Inexpedient To Legislate
First and Second Reading and Referral

HB 281, relative to sunset review of the barbers board. (To Executive Departments)

HB 282, relative to sunset review of the cosmetology board. (To Executive Departments)

COMMITTEE REPORTS

HB 346, relative to the Winnepesaukee river basin control. Ought to pass. Sen. Wiggins for the committee.

SEN. WIGGINS: This just gives the combined towns a chance to be billed for their share of the sewer system up there. No opposition was heard, the committee was for it, and we recommend ought to pass.

Adopted. Ordered to third reading.

SB 65, relative to borrowing for acquisition of agricultural land development rights. Ought to pass. Sen. Brown for the committee.

SEN. BROWN: This bill was requested by the state treasury on the advice of the bond council. They cannot put up the authority to float these bonds until the wording is changed. It's a housekeeping bill with no funds to it whatsoever, it just changes the wording to meet the bond council's approval.

Adopted. Ordered to third reading.

HB 234, extending the degree granting authority of Daniel Webster College. Ought to pass. Sen. Lessard for the committee.

SEN. LESSARD: The education committee had a full hearing on this bill. This bill continues the degree granting power of this institution and provides an additional degree of bachelor of business management. I hope you will vote with us for ought to pass.

Adopted. Ordered to third reading.

HB 293-FN, concerning regional vocational education advisory committees and transportation costs. Ought to pass. Sen. Kelly for the committee.

SEN. KELLY: The committee met on HB 293-FN. There was no opposition. Basically what this bill does is in two parts: presently the division of vocational training and education has two statewide advisory committees for voc-ed. One is set up to receive federal funds and to disperse those funds. Another is set up by the state and has never been put into effect. It was suggested that the state advisory committee be abolished and in its place the original one takes over. The second part of it, transportation costs are established by statute as being no more than the average public bus transportation costs, however in some areas there is no public bus transportation. The state pays for some of those costs. What they propose is that they shall not exceed the rate established by the state board of education or any other reasonable rate established for the best interests of the students, programs, or states, of those who are in the area that is to change. The committee recommends ought to pass.

Adopted. Ordered to third reading.

SCR 4, requesting the state board of education to name a wing of the New Hampshire Vocational Technical College in Berlin after Representative Guy J. Fortier. Ought to pass. Sen. Lamontagne for the committee.

SEN. LAMONTAGNE: Representative Guy Fortier was a member of the House for many years and therefore this bill for naming the Library, an extension of the Vo-Tech here in Berlin, is because Rep. Fortier worked real hard for the vocational school even before the location of the school was established. At the same time he spent many hours and many days working for Vo-Tech. This is why we felt that the wing of the library be named after Guy Fortier. I urge the support of the Senate in naming this wing after Guy Fortier.

Adopted. Ordered to third reading.

SCR 3, requesting the state board of education to name a wing of the New Hampshire Vocational Technical College in Nashua after Senator D. Allen Rock. Ought to pass. Sen. Blaisdell for the committee.

SEN. BLAISDELL: This resolution was introduced by Sen. Lamontagne of District 1. I believe that every Senator that served with Sen. Rock, I think their hearts would be in this resolution which I stated before in the committee when Sen. Lamontagne spoke before us. I could stand here for the next couple of days and tell you what I think about Al Rock but truthfully I don't believe that the words have yet been written that could describe the accomplishments of this man. I will simply say that I think that this honor is due Sen. Rock although I don't think that he will need a building to be named after him to have any of us remember him, or any of the people in this state to remember him. I think it would be a nice thing to do so we request the state board of education name a wing of the New Hampshire Vocational Technical College in Nashua after Senator D. Allen Rock. I think that speaks for itself and I hope you pass this resolution.

SEN. LESSARD: I concur with my colleague from the 10th District. I never had the opportunity to serve in this body with Senator Rock but I did serve with him in the House my first term. We worked on many pieces of legislation together. This resolution is fitting insofar as Sen. Rock was the father of the New Hampshire Incentive Aid program which now goes to providing financial assistance to college-bound students including those going to New Hampshire Technical Institute. I do wholeheartedly support the words of the Senator from the 10th District. Let me just say that my biggest disappointment in coming to this Senate is that I will not have the opportunity to serve with Sen. Rock.

SEN. LAMONTAGNE: As you probably see on the bill, it has my name as a sponsor. Believe me, the intent was to have every Senator to have been on that bill. I'm sure that Sen. Rock had no enemies at all. I'm sure that every Senator would have signed but somehow this bill came out sooner than I expected and I did not get the opportunity to get all of you to sign. I'm sure you will all support this. I felt that Al Rock has done so much for the state of New Hampshire and I would go further by saying that Al Rock worked so hard that I be-

lieved that he gave his life for the state of New Hampshire because he spent many hours and hours, that I have seen myself, here working on finance. In the many years of service that I've been here and served with Al Rock, and I served with many other Senators, and with the experience I've had, Al Rock, as far as I'm concerned, was the best Finance chairman that I've ever seen representing the Senate. So therefore I know that Al Rock is more than deserving to have his name given to this wing at the Vo-Tech. I thought possibly that the best place for the name of Al Rock would have been at the University because he was a trustee there but I felt that as we do not have much authority with the University that as the Vo-Tech was in his district that we name a wing after him there. I hope that everyone will vote for it.

Adopted. Ordered to third reading.

SB 60, providing for the acquisition of certain dams and water rights and repair thereof by the water resources board and making an appropriation therefor. Ought to pass. Sen. Brown for the committee.

SEN. BROWN: As you know, through the years, a great number of years as a matter of fact, some of the dams within the state of New Hampshire have been a very serious problem to us both in costs and in physical condition. This bill is an attempt to take care of eight dams which are listed in the bill, to be purchased by the state for \$1. Also, through a bonding process of twenty years, to take care of these dams by the state and to protect the property around these lakes. In one lake alone there is \$2.5 million in assessed property. It also sets up a fund to try and repay most of this money. It is not a true and tried process at this time because to take these dams over and operate them as a hydro thing is not legally in court. They figured it would take roughly two years before any of this money will be into the fund but after that time it will be under the bonding process in commitment of the state.

Adopted. Referred to Finance.

SB 47-FN, relative to election recounts. Ought to pass. Sen. Conley for the committee.

SEN. CONLEY: This SB 47 is to correct what has become known as the LaRoche situation. It requires a candidate at state general elections or at a state or presidential primary to pay the recount fee and file the appropriate number of petitions and agree in writing to pay for the costs of the recount if he is not within one percent of winning or getting a delegate or federal funding. It allows the presidential primary candidate to recoup the fee he paid for a recount if he gets one or more delegate than he had before the recount, or if he is shown by the recount to be qualified for federal funding. I think this is a badly needed piece of legislation, it has the fervent approval of the Secretary of State and the entire committee recommends its passage.

Adopted. Ordered to third reading.

CACR 3, relating to the term of office of Senators. Providing that: senators be elected to 4 year terms. Ought to pass. Sen. Conley for the committee.

SEN. CONLEY: This constitutional amendment was introduced by Sen. Chandler of District 7. It provides for Senators being elected to 4 year terms. The committee was unanimous in its support of Sen. Chandler's attempt to give us all a reprieve every two years. Without further comment by myself other than the entire committee urges its passage, I would turn any further comment over to my colleague, Sen. Chandler.

SEN. PRESTON: I understand this has to go out to be voted upon by referendum vote. I am personally going to vote against it. It does not bother me to hold myself out to the good judgment of the voters to determine whether or not they want to reelect me and I sometimes think it might be in the best interests of the electorate if they have that right instead of living with a candidate for four years. Certainly the House does it, we've done it here for years, it has been successful and I think it keeps all the politicians on their toes and makes them more responsive and answerable to the electorate.

SEN. LESSARD: Don't you think, Sen. Preston, that if this should pass that it would provide some continuity within the Senate where half of it would be elected every two years?

SEN. PRESTON: That's a good term, I like to use the word insurability if I were looking at it subjectively as a Senator.

SEN. LESSARD: Could you tell me, do you have any feeling for what kind of treatment that this particular bill would receive on the other side of the wall?

SEN. PRESTON: I think they might consider us as their equals and I would vote it down.

Recess.

Out of Recess.

Senator Splaine moved that CACR 3 be indefinitely postponed.

SEN. SPLAINE: When I first saw that this bill was being introduced it reminded me of the discussions we've had in the past concerning the four year terms for Governor. I'm opposed to a four year term for Governor, I think a lot of people of this state are, as well as for Senate, as well as for the members of the House of Representatives, for one specific reason and that is because I think that having to go back to the public is a very good democratic process every two years. I think all of us in the Senate as well as on the gubernatorial level and in the House, can learn a lot from having to go out and campaign. I think that the process of democracy is best served by having to go out and not get the reprieve of being here for four years and consequently being somewhat isolated from our constituents and the electoral process. I think it is good that we have to do that. I might remind us all that the United States Congress has a term of two years. I think that that is decent as well because it guarantees that Congressmen have to go out and campaign and find out what is really on the minds of their constituents at home. I don't think that we should take ourselves all too seriously in the Senate and we should be equal with the House and the House is two years and I think it is going to remain that way. I would agree with one of the comments made earlier that if this does make it to the House that the House is going to consider us equal and it is going to be defeated anyway. I think that four years

is simply too long of a time to be isolated from the normal electoral process.

SEN. LAMONTAGNE: I rise in opposition to the proposed motion of indefinite postponement. Although I too have been against the governor running for four years but I'm going to vote in favor and I'm going along with Sen. Chandler in a matter of courtesy.

SEN. CHANDLER: This, as a proposed constitutional amendment, if it passes the legislature, it would have to go as a referendum to the people to give the people in the state a chance to vote on it. It would have to have a 2/3 vote by the people in order to become law. If it became law, if it amended our constitution it wouldn't possibly affect anything for several years yet. It's been pointed out that the United States Senate has a six year term and the Congress has a two year term. If they do that in Washington on a national level I don't see any reason why we cannot do it here on the state level, making it four years for the Senate and two years for the House. If the House doesn't go along with us they could amend this and make it four years for themselves if they so desire. If the committee in their wisdom recommended it ought to pass unanimously, I would hope the Senate would go along and defeat the motion by the member from the 24th District.

SEN. CONLEY: Sen. Chandler, have you heard the rumor coming from the House that should this bill pass the Senate that the House is liable to pass it with an amendment making it effective immediately so that a certain Senator presently serving a two-year term would find it difficult to run for governor?

SEN. CHANDLER: As a matter of fact I have heard such a ridiculous rumor. I've heard it but I don't believe it.

SEN. RICE: Senator Chandler, I didn't know you were running for governor. If it's good enough in Washington then it should be good enough in the state of New Hampshire, would you object to an amendment to this to change it to six years? Then we could keep somebody out from running for governor for four years.

SEN. CHANDLER: At the time I testified before the committee I said that I would not object to an amendment and I don't object to it now. If it's the desire of this body to make it six years it would be all right with me.

Motion failed.

Senator Rice moved an amendment to CACR 3

SEN. RICE: The amendment to CACR 3 simply adds the governor to this resolution, that it would equally extend the gubernatorial term from two years to four years along with the Senator. I think that if an argument can be made that a four year term is in the best interest of the Senate and thereby the state of New Hampshire then that same argument can be made that a four year term is justified for the governor. We look at the President of the Senate as the second highest office holder in the state and in some respects fills the capacity of lieutenant governor, if you will, in that he serves as the acting governor if the governor is absent. It seems rather ridiculous to me that we can have a governor for two years and an acting governor, or lieutenant governor, the President of the Senate for four years. I therefore respectfully request that you would support this amendment.

SEN. CONLEY: Senator Rice, have you consulted with the Governor about this?

SEN. RICE: No I did not consult with the Governor but I think that if he's looking forward to an election campaign against a Senator that maybe another two years in office would allow him to prepare just as well as the acting Senator for a gubernatorial race.

SEN. CONLEY: Can I deduce from that then that you feel that the current governor is going to run for a four year term in 1984?

SEN. RICE: I have not spoken to the Governor about it, I have no idea if the Governor is going to run for a two year term or a four year term or any term in 1984.

SEN. CONLEY: The reason I ask is because it becomes effective December 5, 1984.

SEN. LAMONTAGNE: I urge this Senate to vote against this amendment and at the same time leave Sen. Chandler's bill go as it is. It doesn't need any amendments at all.

Amendment failed.

Roll Call required.

The following Senators voted yes: Lamontagne, Conley, Freese, Chandler, Wiggins, Mann, Stabile, Kelly, Podles, Sanborn, Brown, and Roy.

The following Senators voted no: Hough, Bergeron, Blaisdell, Boyer, Rice, Stephen, Lessard, Preston, and Splaine.

12 yeas 9 nays

Motion failed, 3/5 required.

Recess.

Out of Recess.

RECONSIDERATION

Sen. Bergeron moved reconsideration on CACR 3.

Division Vote: 7 yeas 11 nays

Motion lost.

SB 61, changing the time for sessions for corrections of the checklist. Inexpedient to legislate. Sen. Conley for the committee.

SEN. CONLEY: SB 61 was a bill which tried to change the last session for the correction of the checklist from Saturday ten days before the election to Thursday, 12 days before the election. The committee was unanimous in rejecting this concept. The only person who showed to testify was the supervisor of the checklist from a town in western New Hampshire. The concern seemed to be that this would not allow for people to go away on a weekend should they decide that they wanted to get their names on the checklist the Saturday before and would rather do it on the Thursday. It was the unanimous vote of the committee that this was not sufficient enough reason for changing it from Saturday to Thursday, basically because the original version which was put in in 1977 and 1979 was put there because of the testimony before the then committee changing the election laws that the working men and women of the state of New Hampshire should have an opportunity for a convenient time to register with their

supervisors of the checklists on a Saturday. That was granted and it was an unanimous decision not to change that particular situation at this time, particularly where this is probably the only complaint that has been issued regarding this situation. We urge that the Senate vote this bill inexpedient to legislate.

Adopted.

SB 75-FN, authorizing the regulation of hawkers and peddlers by towns. Ought to pass. Sen. Stephen for the committee.

SEN. STEPHEN: The committee members on the Executive Department SB 75-FN met and recommended ought to pass. SB 75-FN would return to the cities and towns of our state the power to regulate on a local level, hawkers and peddlers. Until 1969 hawkers and peddlers were licensed locally. That year, however, the provision was repealed by the legislature, and the licensing imposed was a state license from the secretary of state which was good throughout the state. The present statute requires that hawkers and peddlers comply with all local ordinances by the laws and regulations. The lack of local control however, the testimony indicated the city generally banned hawkers and peddlers altogether from public streets and sidewalks. Testimony was presented which indicated that cities would like to assure citizens that a hawker or peddler who may come to their door was indeed a reputable person to the best of the cities and towns knowledge and had been subject to local controls. This would in effect allow for home rule in licensing matters. The office of secretary of state has determined no fiscal impact.

SEN. LAMONTAGNE: Senator, at the present time the hawkers and peddlers have to go to the secretary of state to get a license, will they still have to go to the state to get a license?

SEN. STEPHEN: Yes they would, Senator.

SEN. LAMONTAGNE: And at the same time, they still would have to have the approval of the city or town, is that correct?

SEN. STEPHEN: Yes, I think they put up a \$1000 bond with the secretary of state.

Adopted. Ordered to third reading.

HB 77, relative to voting procedures for blind persons. Ought to pass. Sen. Stephen for the committee.

SEN. STEPHEN: The committee members on the Executive Department HB 77 met and recommended ought to pass. This bill merely changes the word from totally blind to legally blind.

Adopted. Ordered to third reading.

HB 90, allowing absentee ballots to be processed any time after the polls open. Inexpedient to legislate. Sen. Conley for the committee.

SEN. CONLEY: This bill is the result of actions taken by the 1977, 1978 and 1979 sessions of the legislature. The original change to restrict the time of counting and processing of the absentee ballots took place as a result of the revision of the election statutes in 1977. This was brought on by the actions of the ballot law commission during the Wyman-Durkin recount where we had some extreme difficulty with the processing and counting of the ballots at the different polls. The ballot law commission at that time recommended that no absentee ballot be processed or counted until the polls closed and legislation was during that session to do exactly that. In 1978, however, in the special session there was some concern about the fact that that would impose extreme hardships on many towns and cities and so the ballot law commission went along with the 3:00 p.m. beginning time to process absentee ballots because they felt that it would give some of the towns an opportunity to wait for the slow time to process, but if they did process them before the polls closed it had to be posted so that people in the town knew when they were going to do it at whatever time it was to be done after 3:00 p.m. In other words, to give people who had to question some of the absentee ballots an opportunity to be present when those absentee ballots were being processed. The main issue in this situation does at this present time come down to this, that if this bill were to be passed there would be the opportunity to disenfranchise or to create an illegal situation by people who had anticipated not being in town on the day of the election and having filed for absentee ballots and then finding

themselves in town at that same day. The law currently says you can vote only by ballot or vote in person, you cannot vote both ways. Therefore, if we allowed the towns and cities to create a situation where you could count the ballots or process the ballots at any time during the day, then it's conceivable that someone could be trying to comply with the law having voted by absentee ballot and finding himself in town would then appear at the town hall to indicate that he had wished to vote in person rather than by absentee ballot and would find that the ballot had already been processed and there would be a great deal of difficulty in that situation. This was brought to point this last year when the first day of hunting season fell on election day and there were a great many people who had anticipated voting by absentee ballot and then for one reason or another did not go hunting and found themselves going to the town hall to rectify the situation before 3:00 p.m. So it was the unanimous vote of the committee to reject this request however concerned they might be about that process and urge the Senate to leave the law as it is and thereby protect the purity of the absentee ballot system.

Adopted.

HB 108, relative to election officials in a non-partisan town election. Inexpedient to legislate. Sen. Conley for the committee.

SEN. CONLEY: No one of the sponsors appeared for HB 108. In fact there was no testimony on the bill with the exception of a member of the secretary of state's office who was there and upon questioning by the chairman of the committee, indicated that should this bill have any kind of chance to pass it would also require that there would be several other sections of the statute that would have to be changed. To the degree that no one seemed to care enough to show for the bill, the committee voted unanimously inexpedient to legislate.

Adopted.

HB 227, concerning the apportionment of delegates after presidential primary elections. Ought to pass. Sen. Conley for the committee.

SEN. CONLEY: The committee unanimously recommends HB 227 as ought to pass. It could be well titled the John Anderson bill. If you remember Mr. Anderson contested the primary situation and indicated that because he received 9.89 percent of the vote that it should be rounded off to 10 percent. There was a great deal of discussion with the ballot law commission and with the secretary of state and it is recommended that this bill be passed. What this bill does is declare that the candidate must have at least 10 percent and that any rounding off would be after the initial 10 percent was acquired.

Adopted. Ordered to third reading.

HB 81, providing for the disposal of personalty from state agency storage rooms. Ought to pass with amendment. Sen. Podles for the committee.

SEN. PODLES: There is a definite problem with personalty left behind by patients. Most of these items are of little value, less than \$250 and under current law the agency must keep personalty for 15 years. This bill reduces the length of time to keep such items to 60 days. The committee unanimously recommends that this bill ought to pass with amendment. The amendment is on page 10, there are just a few words inserted to make it clear that the property should be transferred to the Division of Purchasing.

Amendment to HB 81

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Disposal of Personalty from State Agency Storage Rooms. Amend RSA 471-A by inserting after section 9-a the following new section:

471-A:9-b Property Held in State Agency Storage Rooms. Notwithstanding any other law to the contrary, all noncontraband abandoned or lost property having a value of less than \$250 which has been held in a state agency storage room for a period of at least 60 days may be disposed of by the state agency after the agency has made a good faith effort to return the property to the owner, if known. If the owner cannot be

determined or the property cannot be returned for any other reason, the property shall be transferred to the division of purchase and property to be sold at public auction with the proceeds to be turned over to the state treasurer. The state shall be free of all liability for any claim thereafter arising or made with respect to property disposed of under this section.

2 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted. Ordered to third reading.

HB 84, relative to information sharing where arson is suspected. Ought to pass with amendment. Sen. Podles for the committee.

SEN. PODLES: HB 84 amends the 1979 arson legislation. As it currently stands, information gathered by fire and insurance investigators where arson is suspected cannot be passed on to the fire marshalls investigator or the law enforcement personnel. This proposed legislation will do that, it will provide a release so that information can be freely shared with and used by fire officials, which is vital to an effective campaign against arson. The committee recommends ought to pass with amendment.

SEN. BERGERON: I thought that this arson problem as you related it was resolved two years ago, whereby we made this information between agencies and the insurance companies readily accessible to one another?

SEN. PODLES: As I remember this bill, HB 84, it was in the statutory revision committee and it was put into interim study and it is now being passed to the Senate. This is the same bill.

SEN. BERGERON: Okay, thank you.

Amendment to HB 84

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Request for Information. Amend RSA 153:13-a, I (supp) as inserted by 1979, 231:2 by striking out said paragraph and inserting in place thereof the following:

I. An authorized investigator from the state fire marshal's office, or from any fire department or law enforcement agency may request an insurance company investigating a fire loss of real or personal property to release any information in its possession relative to that loss. The company shall release the information and cooperate with any official authorized to request such information pursuant to this section. The information may include, but shall not be limited to:

(a) Any insurance policy relevant to a fire loss under investigation and any application for such policy;

(b) Policy premium payment records;

(c) History of previous claims made by the insured for fire loss; and

(d) Material relating to the investigation of the loss, including statements of any person, proof of loss, and any other relevant evidence.

2 Information Sharing. Amend RSA 153:13-a, V, (supp) as inserted by 1979, 231:2 by striking out said paragraph and inserting in place thereof the following:

V. The recipient of any information furnished pursuant to this section shall hold the information in confidence and not release it, except to another official referred to in paragraph I, until such time as its release is required pursuant to a criminal or civil proceeding.

3 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted. Ordered to third reading.

ENROLLED BILLS REPORT

HB 80, authorizing the executive director with the consent of the commission to control the seasons, methods of taking, sex limitations and other conditions relative to wild deer.

Sen. Lamontagne for the committee.

Recess.

Out of Recess.

COMMITTEE OF CONFERENCE REPORT

HB 9-FN, an act making an appropriation to cover the 1980 fiscal year deficit in funds appropriated for handicapped education.

Senator Preston moved that the committee of conference report on HB 9 be laid on the table.

Adopted.

SUSPENSION OF RULES

Sen. Brown moved that the rules of the Senate be so far suspended so as to allow all bills to be placed on third reading and final passage and all titles be the same as adopted and that they be passed at the present time.

Adopted.

Third Reading and Final Passage

HB 346, relative to the Winnepesaukee river basin control.

SB 65, relative to borrowing for acquisition of agricultural land development rights.

HB 234, extending the degree granting authority of Daniel Webster College.

HB 293-FN, concerning regional vocational education advisory committees and transportation costs.

SCR 4, requesting the state board of education to name a wing of the New Hampshire Vocational Technical College in Berlin after Representative Guy J. Fortier.

SCR 3, requesting the state board of education to name a wing of the New Hampshire Vocational Technical College in Nashua after Senator D. Alan Rock.

SB 47-FN, relative to election recounts.

SB 75-FN, authorizing the regulation of hawkers and peddlers by towns.

HB 77, relative to voting procedures for blind persons.

HB 227, concerning the apportionment of delegates after presidential primary elections.

HB 81, providing for the disposal of personalty from state agency storage rooms.

HB 84, relative to information sharing where arson is suspected.

ANNOUNCEMENTS

VACATE

Sen. Freese moved that SB 122 be vacated from Banks and referred to the committee on Insurance.

Adopted.

Sen. Brown moved that the work of the day being completed, that we recess for the sole purpose of accepting an enrolled bills report on SB 10 and that when that business is taken care of we then adjourn the Senate until Tuesday, April 7, at 1:00 p.m.

Adopted.

Recess.

Out of Recess.

ENROLLED BILLS REPORT

SB 10-FN, making supplemental appropriations to the division of welfare and making adjustments to unrestricted revenue for board and care.

LATE SESSION

Senator Conley moved the Senate adjourn at 6:35 p.m.

Adopted.

Tuesday, April 7, 1981

The Senate met at 1:00 p.m.

A quorum was present.

Sen. Sanborn in the Chair.

The prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

We thank you Lord, for the beauty of each day and for life itself, and all which it has to offer.

May we be worthy of all the gifts of the spirit which have been bestowed upon us through His goodness and mercy.

Let us respond to His generosity by being considerate of the needs of others through a fair and beneficial working of ways and means to fulfill the same.

We also pray for a full recovery of our Sergeant-at-Arms who will undergo surgery tomorrow.

Amen

Sen. Champagne led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

Senators Rice and Lamontagne presented the following resolution:

RESOLUTION

WHEREAS the Concord Budmen Hockey Club is sponsored by the New Hampshire Distributors and is a member of good standing of the New England Hockey League, and

WHEREAS the Concord Budmen compiled an 18 win, 11 loss, 1 tied games during the regular season earning third place and a right to the playoffs of the New England Hockey League, and

WHEREAS the Concord Budmen won the semi finals by beating the Manchester Black Hawks in three straight games, and

WHEREAS in the finals, after losing the first game, to the Berlin Maroons, Concord came back to win the next three games and won the Championship series, and

WHEREAS the Coach, Bob Tardif; Manager, Butch Herrick; Captains Steve Arndt, Baine Donovan and Jim Hayes; Equipment Managers Mark Dunn and Bob Tocci and Trainer, Ron "Doc" Harris have brought the team to victory, and

WHEREAS the players for the Concord Budman Hockey Team are: Ray Letourneau, Mike Carrette, Carl Lovejoy, Baine Donovan, Tom Painchaud, Joe Valliere, Dave Jack, Peter Tufts, Jim Hayes, Steve Arndt, Randy Blossom, Gregg Fournier, John Normand, Frank Nadeau, Tom Dustin, Dale Blossom, Andy

Lovett, John Clark, Tom Mailhot, John Stevenson, Mike Palisi, Tim Curry and Camille Caissie have proven to everyone that there is no better team in New Hampshire than the Concord Budmen, be it therefore

RESOLVED that the Senate of the State of New Hampshire does hereby heartily congratulate the Concord Budmen Hockey Team for a job well done and wishes them continued success.

INTRODUCTION OF SENATE BILLS

Sen. Brown moved the following resolution:

Resolved, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 124 through 129, SR 4 and CACR 9, shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

First, Second Reading & Referral

SB 124, relative to the rights of a shareholder. (Sen. Freese, Dist. 4; Rep. Rollins, Belknap Dist. 4 – To Judiciary)

SB 125, exempting certain vehicles from stopping at protected railroad crossings where the signals are not activated. (Sen. Lamontagne, Dist. 1; Rep. Burns, Coos Dist. 4 – To Transportation)

SB 126, relative to the color of ballots used in absentee voting. (Sen. Stabile II, Dist. 12 – To Executive Departments)

SB 127, establishing the boundary line between the city of Franklin and the town of Northfield. (Sen. Chandler, Dist. 7 – To Public Affairs)

SB 128, requiring a copy of the 10 commandments, with notations explaining the spiritual heritage of American constitutional government, to be posted in public school classrooms. (Sen. Chandler, Dist. 7 – To Public Affairs)

SB 129, relative to corporate names. (Sen. Podles, Dist. 16 – To Public Affairs)

SR 4, urging the United States Congress to enact legislation terminating the New Hampshire health systems agency. (Sen. Roy, Dist. 22; Sen. Sanborn, Dist. 17; Sen. Blaisdell, Dist. 10 – To Rules and Regulations)

CACR 9, relative to the composition of the general court. (Sen. Splaine, Dist. 24; Rep. Morrisette, Strafford Dist. 7 – To Internal Affairs)

HOUSE MESSAGES

INTRODUCTION OF HOUSE BILLS

Sen. Brown moved the following resolution:

Resolved, that in accordance with the list in the possession of the Clerk, House Bills starting with number 579-FN and ending with 419 which corresponds to the lists on your desks, shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

First, Second Reading & Referral

HB 579-FN, establishing a New Hampshire public employee safety act. (To Public Affairs)

HB 488, renaming Mirror Lake outlet the Ernest B. Piper brook. (To Development, Recreation & Environment)

HB 425, relative to supplemental appropriations to various departments and agencies, changing the maximum number of off-sale liquor permits allowed, increasing the registration fee for interstate common carriers, providing for the lapsing of interest and the accumulated balance of the contribution fund to the general fund, providing an appropriation for food, fuel and utilities, providing an appropriation for the purchase of state police vehicles and providing a special education formula. (To Finance)

HB 367, relative to entertainment provided by certain first class ballrooms with liquor licenses. (To Ways & Means)

HB 377-FN, to permit certain promotional uses of liquor by hotels in soliciting and providing for convention business. (To Ways & Means)

HB 381, relative to the local option regarding the sale of liquor and beverages. (To Ways & Means)

HB 376, to permit the use of service bars in function and dining rooms of hotels and restaurants. (To Ways & Means)

HB 257, granting the Lake Sunapee Protective Association the right to maintain 2 lighthouses on Lake Sunapee. (To Development, Recreation & Environment)

HB 493-FN, relative to insurance premium taxes and the establishment of an administrative fund in the insurance department. (To Insurance)

HB 418, to increase the homestead right. (To Judiciary)

HB 419, relative to the boundary of Hilton state park and property dedicated to highway improvement and construction and reconstruction of certain bridges. (To Transportation)

HOUSE CONCURS

SB 10, making supplemental appropriations to the division of welfare and making adjustments to unrestricted revenue for board and care.

ENROLLED BILLS REPORT

HB 3, allowing the use of crossbows by a physically handicapped person.

HB 47, relative to the nonresident license for the taking of small game animals and small game birds.

HB 215, relative to sunset review of state historical commission.

HB 304, changing reforestation week to forest conservation week.

HB 303, encouraging annual local and state celebration on Arbor Day.

SB 40, removing the interest rate limitation on money borrowed by the city of Concord to aid its school districts.

Sen. Lamontagne for the committee.

ENROLLED BILLS AMENDMENT

SB 11, recodifying RSA Title XX and relocating certain RSA chapters. Ought to pass with amendment. Sen. Wiggins for the committee.

SEN. WIGGINS: The first amendment is necessary to include the provisions of HB 220 passed earlier in the session in the recodified chapter. The second amendment adds RSA 267-A to the list of chapters repealed. All of the provisions of RSA 267 and 267-A have been incorporated in the recodified Chapter 236. The third amendment is necessary so that sections 5, 6, 7 and 8 of this bill will be in effect from the passage of this bill until January 1, 1982.

Enrolled Bill Amendment to SB 11

Amend RSA 228:25, I as inserted by section one of the bill by striking out same and inserting in place thereof the following:

I. There is hereby added to the inventory fund established pursuant to RSA 228:24 the sum of \$1,000,000 which sum is hereby appropriated and shall be a charge against the highway fund. The comptroller shall purchase such raw materials as he may be required and directed by the commissioner of safety in order for the commissioner of safety to issue fully reflectorized motor vehicle number plates. Said number plates shall be manufactured at the state prison. The comptroller shall furnish out of said inventory account the raw materials necessary to manufacture said plates and upon the receipt of the finished plates, he shall reimburse the prison for their direct and indirect costs. Notwithstanding any other provision of law, the commissioner of safety shall charge in addition to the regular motor vehicle registration fee, the sum of \$1 per plate at the time of issuing said reflectorized motor vehicle number plates or replacement reflectorized number plates. Said additional charge shall not give to the registrant any title or other property interest in said plates. The commissioner of safety or his designee may request from time to time delivery of said number plates from the comptroller and shall reimburse said inventory fund by a transfer from revenue. At least 6 months prior to subsequent general issue, a transfer from revenue shall be made for all remaining finished plates in inventory.

Amend section 3 of the bill by striking out same and inserting in place thereof the following:

3 Repeal. The following are hereby repealed:

- I. RSA 267 relative to junk yards.
- II. RSA 267-A relative to motor vehicle junk yards.

Amend section 9 of the bill by striking out same and inserting in place thereof the following:

9 Conditional Amendment. If an act of the 1981 regular session entitled "An Act to recodify the motor vehicle laws" becomes law, sections 5, 6, 7 and 8 of this act shall become null and void on January 1, 1982.

Amendment adopted.

COMMITTEE REPORTS

HB 285, relative to voting by proxy on matters relating to capital stock conversion of any cooperative bank, building and loan association or savings and loan association. Ought to pass. Sen. Stabile for the committee.

SEN. STABILE: In the last session the cooperative banks were allowed to convert to capital stock, however, it was not spelled out whether they could use proxy votes or not. Whereas every single cooperative bank is owned by the depositors, an average size cooperative bank would take 700, 800, maybe a thousand voters that would have to be present in order to vote for them to convert to capital stocks. Whereas this was not a practical matter for this to occur, in most small towns the cooperative bank didn't even have halls big enough to hold this large a group of people, it was felt that they should be allowed to vote by proxy. The committee met and voted unanimously that it ought to pass.

Adopted. Ordered to third reading.

HB 7, relative to liability insurance coverage requirements for operators of passenger tramways. Ought to pass. Sen. Bergeron for the committee.

SEN. BERGERON: HB 7 is a relatively minor bill, it simply eliminates the requirement for nonprofit organizations operating their own ski tows, which are not open to the general

public, simply for their own membership, with the price for insurance being what it is these nonprofit private clubs would be ought of business. The only organization we know of is one over in Canterbury that needs relief. There was no opposition to the bill.

Adopted. Ordered to third reading.

HB 28, to raise the minimum damage amount for reportable accidents and to raise the minimum amount of damage to property for purposes of defining accident in insurance rate manuals from \$300 to \$500. Ought to pass. Sen. Bergeron for the committee.

SEN. BERGERON: HB 28 basically does two things. It changes the present statute for the reporting of accidents with the minor damages of \$300 to \$500. This, according to the Motor Vehicle Department, is necessary because of inflation and for the flow of paper work. I've also informed them that if the bill sails they will lose three people in the Motor Vehicle Division and two state troopers because they won't have to investigate these accidents. The second part of it is, that the minimum amount again would track with your insurance rates in that a chargeable accident would not be enforceable until you hit a minimum of \$500. That's an at-fault accident. So the two figures track hand in hand. There was no opposition to the bill, which I can't believe, but there wasn't. It just ties one into the other.

Adopted. Ordered to third reading.

HB 261, relative to the superintendent of the Strafford County Farm. Ought to pass. Sen. Podles for the committee.

SEN. PODLES: HB 261 will require the superintendent of the Strafford County Farm which is the Riverside Rest Home to be hired and fired in the same manner as the superintendents of equivalent institutions in the other nine counties. The Strafford County Board of Commissioners support this bill. The committee met and recommended ought to pass.

Adopted. Ordered to third reading.

SB 97-FN, excluding golf carts from the vehicles taxed as personal property. Ought to pass. Sen. Podles for the committee.

SEN. PODLES: SB 97-FN excludes golf carts from the vehicles taxed as personal property. Some towns and cities have been taxing the golf carts as personal property even though the present law does not list the golf cart. Other towns do not consider golf carts as property to be taxed. This bill will give uniformity throughout the state. Golf carts are not designed to use public roads, nor are they required to pay registration fees to the state of New Hampshire. This bill had no opposition, the committee recommended ought to pass.

Adopted. Ordered to third reading.

HB 209-FN, relative to sunset review of the youth development center. Ought to pass with amendment. Sen. Roy for the committee.

Amendment to HB 209-FN

Amend the bill by striking out all after section 2 and inserting in place thereof the following:

3 Effective Date. This act shall take effect upon its passage.

SEN. ROY: HB 209 was a sunset report. It came across with some amendments renewing the youth development center, from the House Committee on State Institutions, Health and Welfare. It would have established a twenty-one member state institutions committee to look at various problems at the youth development center. It came to our attention that there is in fact, from a 1975 session law, a committee of twenty-one people comprised of three senate members, three house members, two district court judges, a designee of the department of division of welfare, the public health department, the legal NH Bar Association, and other members including three public members, who are charged with this same responsibility. So we have amended HB 209-FN to be returned to the House letting them know that this com-

mittee is available. We will take that as a responsibility as the members of the Senate appointed to that committee to call an organizational meeting.

SEN. CONLEY: Sen. Roy, as a matter of information, the bill that we have before us on the table, HB 209-FN, in the form that we have it is not the amended form, is that correct?

The form that we have here, Sen. Roy, has three sections and I don't believe it includes the amendment. Is the amendment to this bill that we have before us on page 9?

SEN. ROY: It is on page 9, thank you. And it does renew the Youth Development Center.

Amendment adopted. Ordered to third reading.

SCR 6, urging the United States Congress to enact legislation giving married persons the option of filing federal income tax returns jointly as a married couple or individually as single persons. Ought to pass. Sen. Lessard for the committee.

SEN. LESSARD: We did in fact have a hearing, there was no opposition. This bill urges Congress to give married people the option to file as an individual as well as to give them the option to file jointly. We witnessed on "Sixty Minutes" a couple of years ago that couples were traveling to the Dominican Republic and having a quickie divorce, they would file singularly when they returned and then get remarried, and it would pay for their trip to the Dominican Republic as well as returning them a nice profit. So we are asking Congress to rectify this loophole. I ask the Senate to join me in voting for ought to pass.

Adopted. Ordered to third reading.

SB 55-FN, relative to reclassifying a highway in the town of Jefferson. Ought to pass. Sen. Lamontagne for the committee.

SEN. LAMONTAGNE: I have introduced this bill for the purpose of protecting Jefferson by considering the old route of 115-A for the purpose of the town, with an area of flooding. It's very expensive and therefore the town could not afford to maintain that road whether it's summer or winter. After getting together with the highway department, and at the

request of the town selectmen, the town of Jefferson felt that instead of putting it into law about reclassifying 115-A, that it would be done by the highway department, under their regulations. The highway department has agreed to accept 115-A and will maintain it summer and winter. Because of the request that had been made by the board of selectmen, and also by Rep. Charbon, they requested that this bill be withdrawn. So at this time I would like to make a motion that SB 55-FN, the words "ought to pass" be changed to "inexpedient to legislate."

Sen. Mann moved that SB 55-FN be indefinitely postponed.

Adopted.

SB 68-FN, concerning state and town bridge aid. Ought to pass. Sen. Rice for the committee.

SEN. RICE: At the transportation hearing Sen. Freese from District 4 sponsored this bill at the request of the department of public works and highways. It is mainly to rectify current legislation and to put it in its proper sequential form. The committee, hearing no opposition to the bill, unanimously voted ought to pass.

Adopted. Ordered to third reading.

SB 58, relative to a special highway appropriations for Franconia Notch diversionary routes. Ought to pass. Sen. Lamontagne for the committee.

SEN. LAMONTAGNE: Congressman Cleveland had in Congress made the necessary arrangements so that the balance of the Franconia Notch project on Route 93, of \$23 million, would be spent in the area of Franconia Notch. What I'm going to be showing at this time is recommended routes of where the \$23 million is to be spent. This bill was introduced for the public works department for an appropriation of \$4,500,000 to match with the federal funds for \$20 million. Part of the recommended route is on the lefthand side of Route 93 going towards Bartlett, N.H. and then the other section would be from Route 302 on Route 3 and then going

to 115-A. 115-A is in the area of Jefferson, N.H. This is called the green route. Therefore, this is where the \$20 million of the federal funds would be spent, but it is necessary to appropriate \$4,500,000 for us in order to receive the federal grant.

Adopted. Ordered to third reading.

HB 100, to recodify the motor vehicle laws. Ought to pass. Sen. Mann for the committee.

SEN. MANN: This is just a small housekeeping bill of 300 to 400 pages. Actually it just does exactly what the highway did, it recodifies the laws. In 1979 we passed a bill to establish a committee to recodify these laws and they did their homework very well. They spent about a year and a half doing it, and part of it was to strive for uniformity amongst the fifty states. They didn't change any of the present statutes, they just placed them in a more orderly sequence and they reduced the bill from twenty-five chapters to eight chapters by putting them together. If there are any changes in the motor vehicle laws it will show up in separate bills, very similar to the highway recodification.

SEN. LAMONTAGNE: I rise in support of the committee report. I would like to point out to you that there were many, many hours of work put into this bill. I would like to say that Sen. Poulsen, who spent many hours on this piece of legislation, and at the same time presented the leadership of the House transportation chairman, who was one certainly one of the best that I've ever seen and whose attendance was one hundred percent and it was so good to work with Mike and Andy and the others. Therefore, a lot of work has been put into this and I'm sure that all the work that has been put in by this committee is certainly going to make the statutes a lot different and a lot easier to find things in the chapters.

Adopted. Ordered to third reading.

SB 35, prohibiting recaps and retreads on the steering axles of heavy trucks. Inexpedient to legislate. Sen. Rice for the committee.

SEN. RICE: We heard testimony for and against the bill. Once testimony had been given and we got into executive session to discuss the bill, additional research demonstrated that some of the testimony that had been presented in favor of the bill had in fact been erroneous. There was a feeling on behalf of the majority of the committee that there was no demonstrated need for this legislation at this time. This legislation would have prohibited retreaded tires on any steering axles of heavy trucks. We were told in testimony in favor of the bill that ICC regulations required new tires. That proved not to be the case but only on buses. It was the feeling of the majority of the committee that if this legislation was enacted that it would have a negative effect on small, local trucking businesses who were primarily operating within the community. Based upon that the majority of the committee voted inexpedient to legislate.

SEN. LAMONTAGNE: I would like to move that the words "inexpedient to legislate" be changed to "ought to pass with amendment."

Sen. Lamontagne moved that the words "ought to pass" be substituted for the committee report of "inexpedient to legislate."

Adopted.

Sen. Lamontagne moved a floor amendment.

Floor Amendment to SB 35

Amend RSA 263:90-a as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

263:90-a Recaps and Retreads. No person shall operate or cause to be operated on any way in this state any truck weighing 18,000 pounds or more which has a recap or retread tire on the steering axle.

SEN. LAMONTAGNE: Just a few weeks ago we passed a bill where we repealed the GW on a small truck. Therefore, by removing the GW this is what happened. You took a light truck and allowed the GW to be changed by putting either Fischer plates on the frame or reinforcing by putting another section inside the frame to make the truck heavier by adding

more weight. At the same time the bill that we passed is allowing that small vehicle to add more spring leafs to make the springs on these trucks heavier, front and rear. This is not a ten-wheeler this is only two axles. This all added more weight to the truck. If it's an oil truck or a truck that has been hauling water or even milk, you don't want to forget that that load is shifting back and forth and therefore when you're doing this you are putting more weight on the front axle. I have the experience and I know very well, and I'm willing to admit that there has been years and years that I was in opposition to stopping retreads from being on the front axle but I have seen it on one of my vehicles, one of the same kind of vehicle that we are talking about right now, it is the same as a truck that is hauling the oil, the water or milk. I want you to know that by the extra weight on that truck and especially on the front axle, that when this truck is traveling with the extra weight and everything, that the tire gets a lot warmer and the heat is what makes a recap or retread come off. I want you to know that this is what happens. The recap came off and it was on the lefthand side and thank God it was during the night and there was no traffic. It took the whole fender right off. This is when I realized how dangerous it is for a truck that has put more weight on and at the same time has created the heat and therefore the cap came off. Now that cap probably didn't come off in one day, maybe it didn't do it in one week, and maybe it didn't do it in a month, but the cap came off. I want you to know that if you think you can steer, even though the tire didn't blow, that retread came off and took the fender off and the truck went completely across the other lane. Thank God there wasn't another vehicle coming. This is where it is dangerous to have a retread on a truck that has front wheel steering. I'm not talking about retreads or recaps, or even regrooved tires on the rear, I'm talking about the driving. There is a law and you've heard Sen. Rice mention that the law is for buses. Yes, the ICC rules say that buses cannot have retreads, recaps on the front of buses, so then why is it done for buses? Because if the recap or the retread came off of a bus it could endanger the lives of the people in the bus. I hope the Senate at this time will accept the amendment I'm proposing. This is only for the front axle. It's a protection for the safety of people who are on the highway. If this retread or recap happened during

the day when the traffic is heavy you're in danger of having a head-on collision. And I'll tell you that some of these retreads and recaps that we got out of Massachusetts, and Connecticut, that some of that merchandise isn't very good. At the same time, Mr. Rice, from the Rice's Retreading appeared and he didn't fight too much about it. At the same time I hate to say this, I was most surprised to see that this report was made. I am a member of the transportation committee and I was told by the committee, the same people who made this report, to draft up the amendment. I did have the amendment drafted. It happened that I wasn't there at the time they had the executive session of that bill. I've seen this done before. While I was drafting this amendment the report came in. I don't think it was right. But anyways, before you now is my amendment and I'm telling you that this amendment is for safety. My amendment is to save lives. If the ICC can restrict the buses then we ought to protect the people at 18,000 pounds. At 18,000 pounds these trucks have from 8-25-20 tires, this could possible be a truck with 900-20 tires. Remember a short truck carries a lot of weight and puts a lot of weight on the front axle. If you take a look at a tractor trailer, these boxes they carry now carries 80,000 pounds on five axles, just remember 80,000 pounds and they go from Manchester and they go from Nashua all the way up north. And from all areas of the north down here. So I feel that on trucks of 18,000 pounds or bigger should not have retreads or recaps on the front drive. It's very, very dangerous. I hope you will vote for my amendment.

SEN. MANN: Just a few corrections here, Sen. Rice and the Rice of Rice Tire are no relation whatsoever. Also, on that, we passed a bill relative to certification of gross truck weights in excess of 18,000 pounds and that has really no bearing on this whatsoever. This was getting the truck certified and I'm sure you heard that the earlier part of the session. The only problem with this bill is the small operator and normally the larger operator puts regular tires or non-recap tires on the front of their trucks anyway. I'm close to one who does it and they only use regular tires on the front and when they wear out they recap them and put them on the rear. But the small operator with a dump truck and a backhoe who goes around will find that the difference between \$80 and \$200 or over \$300 for a steel belted is quite a lot to the little opera-

tor where in a dump truck most of your weight is on the rear anyway. Buses have an awful lot of weight on the front wheels and that's probably why ICC won't let them put recaps on. I just thought I'd like to bring out those two or three points.

SEN. LAMONTAGNE: Sen. Mann, the GW that we just repealed. The GW, you could register to a certain amount of weight?

SEN. MANN: GVW, gross vehicle weight, yes.

SEN. LAMONTAGNE: So now that that law has been repealed, isn't it so that you can register that truck for a heavier load?

SEN. MANN: You always could, Senator. The problem with that was that that was absolutely unenforceable with the Attorney General's office and that's why the request was to get it off the books because it was an unenforceable law. Because you know that you can buy a truck and you can beef it up with heavier springs, bigger tires, and the rest of it and certify it to carry more weight. If that law was in effect you couldn't do that, we went through that in committee. You reported the bill on the floor, that it was an unworkable law. We really shouldn't get the two things into this.

SEN. LAMONTAGNE: But isn't it so that by removing the GW that you can turn around and you could reinforce the frame so that by putting on a heavier load the frame wouldn't bend in the middle. Isn't that the reason why?

SEN. MANN: Well, it fish pointed all the frames, mostly on dump trucks, oil trucks, anything that carries a lot of weight in the rear.

SEN. LAMONTAGNE: Don't you fear that by doing this here that you turn around and you have a load and the more load you put on the more weight that is on the front axle?

SEN. MANN: That's true, but proportionately-wise the most of your weight is on the rear and the more you load in the rear, true, it evens out the weight in the front but the percentage is still quite heavy in the rear.

SEN. LAMONTAGNE: Let me ask you this, have you ever seen a retread or recap come off of a front axle?

SEN. MANN: No, I haven't.

SEN. LAMONTAGNE: You have never seen any rubber on the road?

SEN. MANN: Yes I have, Senator, but I don't know whether it's off the front, the rear, or off a trailer or what it is. I have never seen, in all my traveling, I have never seen a tire peel, or the retread come off, no. I never have.

SEN. LAMONTAGNE: You've heard of it?

SEN. MANN: Oh, yes.

SEN. RICE: Sen. Mann, did we not read a memo from the Department of Safety indicating that historically they have never been able to document that any accidents have resulted from retreaded tires on the front of trucks?

SEN. MANN: That is correct, it was sent to us.

SEN. STABILE: I am also familiar with the trucking business and own a trucking company and would differ with a few things you've said. Item number one, in all my ten-wheelers my weight is in the rear of the truck. When I load that truck up with sixteen yards of gravel the weight is in the rear of the truck not in the front of the truck. Also, my oil trucks, the weight is in the rear of the truck, not the front of the truck. We would put new tires on the front of the truck and rotate them to the back, but the small operator, the fellow that's working with a backhoe up in Greenville or someplace, and he has a tire go flat on him, he isn't going to have time or maybe not the money to go out and get a new tire. He has his recaps because you always keep your old tires that went flat and have them recapped and you have four or five recaps sitting in the yard. If he's got four or five recaps sitting in the yard he throws the recap on and he's back in business and he starts up and gets rolling. The problem is you're going to hurt the small guy. A big guy like myself, we have a stockpile of new tires to go on the front, not that I have any evidence that I've ever had any recap problems in the front. I'm trying to bring two points out here, one that the weight in your ten-wheelers, which is what most of your trucks are that are going over the road, and in your large tractor trailers, is on the rear tires not on the front. Granted, it is your steering in the front but you're not going to hurt the big guy, you're going to hurt the small guy who may not have the \$300 when his tire goes out, or may not be able to go all the way down to Concord, or Nashua, to buy a new tire when he has a yard full of recaps sitting there.

SEN. LAMONTAGNE: Senator, you said sixteen yards of gravel, how much weight is sixteen yards of gravel?

SEN. STABILE: About 42,000 pounds.

SEN. LAMONTAGNE: 42,000 pounds for sixteen yards of gravel? There's something wrong with the scales, I'm sure.

SEN. STABILE: The GVW are 55,000. Add the weight of the vehicle and what do you come up with?

SEN. LAMONTAGNE: Sixteen yards of gravel along with the truck weight, which is a ten-wheeler, would exceed 60,000 pounds. And the law is 55,000 pounds.

SEN. LAMONTAGNE: Senator Mann, is this true, that Local 633 was represented at the hearing and was in favor of the bill, that there would be no recaps or retreads on the front drive?

SEN. MANN: I think you mean the union. A member from the union did testify to the committee.

SEN. LAMONTAGNE: And he was in favor of the bill?

SEN. MANN: Yes.

SEN. LAMONTAGNE: Was AAA in favor of the bill?

SEN. MANN: Yes, but that doesn't make it a good bill.

SEN. LAMONTAGNE: Would you repeat the price of the tire? We're talking about a 900-20, I'm sure you're familiar with that.

SEN. MANN: No, I'm not, but our tires are about \$80 to \$90 for recaps, a new one is over \$200, and a steel belted is over \$300.

SEN. LAMONTAGNE: Well, you seem to buy those tires are the wrong places because I pay less than that and have the same size.

SEN. MANN: I'd like to buy them from you.

SEN. SPLAINE: About a month ago when I first noticed this piece of legislation, it didn't impress me too much except I thought that I would be against it. I talked with one person and I was convinced to oppose SB 35. But last week Sen. Lamontagne caught me in the hallway and explained to me some very important facts. He certainly convinced me from that conversation and I think that today's debate just reiterates the conviction that I would have to vote in favor of this legislation. I think it's vitally important. Just consider a couple of things. We are talking, in his amendment in particular, to have trucks over 18,000 pounds a retreaded tire that would be prohibited. Trucks over 18,000 pounds would not be able to have retreaded tires. One of the people involved in the trucking industry just pointed out a couple of moments ago

here that granted when we are talking about a steering axle then we are talking about something more serious than when a retread blows on the back. If you get a flat on a steering axle something is going to happen that is going to keep you from being able to keep your truck in the proper lane. And if we are talking about 42,000 pounds or anything over 18,000 pounds, at least I as a driver on the other side of the road, coming toward that direction, would be mighty concerned. And if it is true that because of the investment of a couple of hundred dollars, even if it is a couple of a hundred dollars more difference between a retread and a new tire, if that's the case then I think a couple of hundred dollars is very well invested for the people of this state, even if the Department of Safety or somebody else hasn't been able to document whether or not there has been a serious accident resulting in death. I certainly would not want to vote down legislation today and then find out in a couple of weeks that we do have our first documented case. That somebody dies because of a retread getting blown and an accident occurring. I think that the 1981 Lamontagne traffic safety bill is a very good one and it's one that is for preventative safety and I see no problem with it and I would suggest that we pass the amendment and forward it to the House.

Amendment adopted. Ordered to third reading.

Recess.

Out of Recess.

SUSPENSION OF RULES

Sen. Monier moved that the rules of the Senate be so far suspended as to allow the introduction of a committee report on HB 425 without previous notice in the Calendar.

Senator Preston requested a Roll Call.

Seconded by Senator Splaine.

The following Senators voted yes: Lamontagne, Conley, Freese, Hough, Bergeron, Chandler, Wiggins, Monier, Mann, Stabile, Kelly, Podles, Sanborn, Brown, and Roy.

The following Senators voted no: Blaisdell, Boyer, Rice, Stephen, Champagne, Lessard, Preston, and Splaine.

15 years 8 days

Motion lost, 2/3 required.

Sen. Brown moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills ordered to third reading be read a third time by this resolution and that all titles be the same as adopted, and that they be passed at the present time; and that when we adjourn, we adjourn until Thursday, April 9, 1981 at 1 p.m.

Adopted.

LATE SESSION

Third Reading and Final Passage

HB 285, relative to voting by proxy on matters relating to capital stock conversion of any cooperative bank, building and loan association or savings and loan association.

HB 7, relative to liability insurance coverage requirements for operators of passenger tramways.

HB 28, to raise the minimum damage amount for reportable accidents and to raise the minimum amount of damage to property for purposes of defining accident in insurance rate manuals from \$300 to \$500.

HB 261, relative to the superintendent of the Strafford County Farm.

SB 97-FN, excluding golf carts from the vehicles taxed as personal property.

HB 209-FN, relative to sunset review of the youth development center.

SCR 6, urging the United States Congress to enact legislation giving married persons the option of filing federal income tax returns jointly as a married couple or individually as single persons.

SB 68-FN, concerning state and town bridge aid.

SB 58, relative to a special highway appropriation for Franconia Notch diversionary routes.

HB 100, to recodify the motor vehicle laws.

SB 35, prohibiting recaps and retreads on the steering axles of heavy trucks.

Senator Lessard moved the Senate adjourn at 3:30 p.m.
Adopted.

Thursday, April 9, 1981

The Senate met at 1:00 p.m.

A quorum was present.

Sen. Lessard in the Chair.

Rev. Fischer, Senate Chaplain introduced a Senate guest: The Rev. Daniel V. Weaver, of St. John's United Methodist Church, Dover, N.H., who offered the prayer.

Father God,

May your spirit of righteousness be upon those gathered here this day. Grant them wisdom, a heart for compassion, and a will for justice.

Lord, grant a humble spirit, ready to hear, concise in speech. Keep the knowledge before them that they are stewards of your resources, to be distributed according to need and not prerogative.

For the sake of those they represent and for all your people in this state, keep them open to Your guiding spirit and obedient in response, that righteousness may be established in the land and peace dwell abundantly among us.

And Father, may each one here know how much You love them. In this season before Easter may each hear the witness of Your love revealed in The Cross of Jesus, and the New Life in The Resurrection. May the spirit of the living Lord bless each one, their homes, their loved ones; and, may each know Your forgiveness at the end of this day in the Valley of Decision.

In the name of Almighty God,
and Our Savior and Redeemer
Amen

Senator Splaine led the Pledge of Allegiance.
Senator Bergeron is excused by the Chair.

INTRODUCTION OF GUESTS

Sen. Monier in the Chair.

Sen. Stabile and Sen. Boyer presented a resolution.

RESOLUTION

WHEREAS a resolution is the means whereby the New Hampshire Senate recognizes the distinctive accomplishments of individuals, and

WHEREAS Roger Duhamel has been honored by the Home Builders Association of New Hampshire as "1980 Builder of the Year," and

WHEREAS this honor was bestowed upon him for his diligent, selfless, and fruitful efforts on behalf of professionalism with the building industry, and

WHEREAS he has served as President of the Home Builders Association of New Hampshire, and

WHEREAS his participation as National Representative and as a National Life Director of the Home Builders Association has accrued to the benefit of his compeers, and

WHEREAS his active involvement in community affairs including serving as President of the Nashua Rotary and as a member of the Nashua Regional Planning Commission is indicative of his dedication to public service, be it therefore

RESOLVED that the Senate of the State of New Hampshire does commend Roger Duhamel for superior and outstanding contributions in the public sector.

INTRODUCTION OF SENATE BILLS

Sen. Brown offered the following resolution:

Resolved, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 130 through 200 plus CACR 10 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

First, Second Reading & Referral

SB 130-FN, concerning renewal of the veterans exemption. (Sen. Chandler, Dist. 7 — To Executive Departments)

SB 131, requiring notice to towns and cities of impending default judgments. (Sen. Champagne, Dist. 20 — To Judiciary)

SB 132-FN, relative to a trapping education program. (Sen. Conley, Dist. 3; Rep. Heath, Carroll Dist. 3; Sen. Blaisdell, Dist. 10 — To Development, Recreation and Environment)

SB 133-FN, granting additional law enforcement powers to the director of the division of safety services, department of safety, and his representatives. (Sen. Conley, Dist. 3; Sen. Bergeron, Dist. 6; Rep. MacDonald, Carroll Dist. 4 — To Internal Affairs)

SB 134, relative to summary judgments. (Sen. Freese, Dist. 4 — To Judiciary)

SB 135, relative to residents and inhabitants. (Sen. Conley, Dist. 3; Sen. Sanborn, Dist. 17; Rep. Randall, Belknap Dist. 3; Rep. Flanagan, Rockingham Dist. 6 — To Executive Departments)

SB 136, legalizing the proceedings establishing the village district of Eastman and authorizing the issuance of certain bonds of the district. (Sen. Hough, Dist. 5 — To Executive Departments)

SB 137, relative to the penalty for an habitual offender who drives without a license. (Sen. Lessard, Dist. 21 — To Transportation)

SB 138, relative to the operation of bicycles. (Sen. Lessard, Dist. 21 — To Transportation)

SB 139, relative to deregulation of the interest charged on second mortgage home loans and rulemaking authority with regard to second mortgage home loans. (Sen. Freese, Dist. 4 — To Banks)

SB 140, concerning the compensation of acting probate judges. (Sen. Champagne, Dist. 20 — To Judiciary)

SB 141, relative to the disqualification of a probate judge. (Sen. Champagne, Dist. 20 — To Judiciary)

SB 142, relative to the enforcement powers of agents of the liquor commission. (Sen. Lessard, Dist. 21 — To Internal Affairs)

SB 143, authorizing the Jackson water precinct in the town of Jackson to refinance current indebtedness and procure a farmers home administration loan. (Sen. Conley, Dist. 3 – To Public Affairs)

SB 144, naming the bridge on the road that connects state routes 3 and 175 in the town of Thornton as the Thornton Memorial bridge. (Sen. Conley, Dist. 3; Rep. Taffe, Grafton Dist. 5 – To Transportation)

SB 145, relative to actions for medical injury. (Sen. Freese, Dist. 4; Sen. Blaisdell, Dist. 10; Rep. Blanchette, Rockingham Dist. 14 – To Judiciary)

SB 146, assuring the privacy of public employees. (Sen. Rice, Dist. 15 – To Public Affairs)

SB 147, establishing hearing examiners in the public utilities commission and relative to the maintenance of railroad crossings. (Sen. Lessard, Dist. 21; Rep. Smith, Hillsborough Dist. 34 – To Public Affairs)

SB 148, decreasing the number of dwelling units required for residential housing projects to be appropriate for savings banks investments. (Sen. Mann, Dist. 11 – To Banks)

SB 149, defining the powers and duties of district fire mutual aid systems. (Sen. Blaisdell, Dist. 10 – To Public Affairs)

SB 150-FN, authorizing special assessments to help finance public improvements. (Sen. Blaisdell, Dist. 10 – To Executive Departments)

SB 151-FN, relative to outdoor advertising. (Sen. Rice, Dist. 15 – To Internal Affairs)

SB 152, relative to shoplifting and warrantless arrests. (Sen. Blaisdell, Dist. 10; Sen. Boyer, Dist. 13; Sen. Freese, Dist. 4; Sen. Lessard, Dist. 21; Sen. Monier, Dist. 9; Sen. Kelly, Dist. 14; Sen. Chandler, Dist. 7; Sen. Splaine, Dist. 24; Sen. Preston, Dist. 23; Sen. Mann, Dist. 11; Sen. Brown, Dist. 19; Sen. Wiggins, Dist. 8; Sen. Conley, Dist. 3; Sen. Lamontagne, Dist. 1; Sen. Hough, Dist. 5; Sen. Bergeron, Dist. 6; Sen. Stabile II, Dist. 12; Sen. Rice, Dist. 15; Sen. Podles, Dist. 16; Sen. Sanborn, Dist. 17; Sen. Stephen, Dist. 18; Sen. Champagne, Dist. 20; Sen. Roy, Dist. 22 – To Judiciary)

SB 153, authorizing the issue of refunding bonds under the municipal finance act. (Sen. Rice, Dist. 15 – To Internal Affairs)

SB 154, relative to terms of members of a historic district commission. (Sen. Rice, Dist. 15 – To Public Affairs)

SB 155, establishing the rate of compensation to be received by police officers in the employ of private interests. (Sen. Sanborn, Dist. 17 — To Public Affairs)

SB 156, relative to filling an excavation site with demolition matter. (Sen. Rice, Dist. 15 — To Public Institutions, Health and Welfare)

SB 157, renaming the New Hampshire Vocational-Technical College at Portsmouth. (Sen. Sanborn, Dist. 17; Rep. Bibbo, Merrimack Dist. 2 — To Education)

SB 158, relative to negotiators for any bargaining unit. (Sen. Rice, Dist. 15 — To Public Affairs)

SB 159, prohibiting photography and television coverage in any courtroom. (Sen. Lamontagne, Dist. 1; Sen. Roy, Dist. 22 — To Judiciary)

SB 160, relative to the election of planning board members and other town officers. (Sen. Brown, Dist. 19 — To Development, Recreation and Environment)

SB 161-FN, an act creating an automatic assignment of a town or county pauper's assets up to \$1,000 for funeral and burial expenses. (Sen. Lamontagne, Dist. 1 — To Public Affairs)

SB 162-FN, requiring the employment of state police officers on certain road construction sites. (Sen. Brown, Dist. 19 — To Transportation)

SB 163, relative to the qualifications of the director of public health services. (Sen. Roy, Dist. 22 — To Public Institutions, Health and Welfare)

SB 164-FN, relative to blood tests of pedestrian fatalities after a motor vehicle accident. (Sen. Lamontagne, Dist. 1 — To Public Institutions, Health and Welfare)

SB 165, relative to the penalty for unlawful operation of a motor vehicle by an habitual offender. (Sen. Lamontagne, Dist. 1 — To Judiciary)

SB 166, relative to the state ceiling on the aggregate amount of qualified mortgage bonds issued during a calendar year. (Sen. Brown, Dist. 19 — To Internal Affairs)

SB 167, extending the degree granting authority of Daniel Webster College. (Sen. Lessard, Dist. 21 — To Education)

SB 168, relative to the transfer of a motor vehicle owned by husband and wife after the death of one spouse. (Sen. Lamontagne, Dist. 1 — To Transportation)

SB 169, providing that motor vehicle accident reports and certificates concerning the filing of accident reports are not

admissible in most criminal trials resulting from the accident reported. (Sen. Lamontagne, Dist. 1 — To Transportation)

SB 170, providing a salary grade increase for Laconia State School employees authorized to administer medication. (Sen. Roy, Dist. 22; Rep. Nardi, Hillsborough Dist. 27 — To Public Institutions, Health and Welfare)

SB 171, allowing Plaistow to vote on certain petitioned zoning ordinances at a special town meeting. (Sen. Brown, Dist. 19 — To Executive Departments)

SB 172, relative to the cancellation of certain insurance policies. (Sen. Bergeron, Dist. 6 — To Insurance)

SB 173, authorizing special assessments to defray portions of the expense of a public parking facility in the city of Portsmouth. (Sen. Splaine, Dist. 24; Rep. MacDonald, Rockingham Dist. 20; Rep. Cotton, Rockingham Dist. 20; Rep. Hynes, Rockingham Dist. 20; Rep. Read, Rockingham Dist. 23; Rep. Splaine, Rockingham Dist. 19; Rep. Connors, Rockingham Dist. 21; Rep. Aeschliman, Rockingham Dist. 18; Rep. Camuso, Rockingham Dist. 19; Rep. Wood, Rockingham Dist. 5; Rep. LoFranco, Rockingham Dist. 21; Rep. Pantelakos, Rockingham Dist. 23; Rep. Osborn, Rockingham Dist. 18 — To Public Affairs)

SB 174-FN, repealing the gasoline tax exemptions for gasohol and in its place providing for a temporary incentive from the business profits tax for gasohol producers. (Sen. Lamontagne, Dist. 1; Rep. LaMott, Grafton Dist. 6 — To Finance)

SB 175-FN, establishing a study committee to recommend solutions to the problems created by ice jams on the Connecticut River. (Sen. Lamontagne, Dist. 1; Rep. Wiswell, Coos Dist. 1 — To Public Affairs)

SB 176-FN, permitting the financing of health care facilities by the industrial development authority. (Sen. Roy, Dist. 22; Rep. Butler, Rockingham Dist. 7 — To Public Institutions, Health and Welfare)

SB 177-FN, increasing the interest rate on judgments. (Sen. Boyer, Dist. 13; Sen. Champagne, Dist. 20; Rep. Ramsey, Hillsborough Dist. 33 — To Internal Affairs)

SB 178, concerning the certificate of rabies vaccination. (Sen. Champagne, Dist. 20 — To Development, Recreation and Environment)

SB 179, relative to degree granting power. (Sen. Lessard, Dist. 21; Rep. Boucher, Rockingham Dist. 3 — To Education)

SB 180, relative to truck weights. (Sen. Lessard, Dist. 21 — To Transportation)

SB 181, relative to investments under the public employees deferred compensation plan. (Sen. Podles, Dist. 16 — To Insurance)

SB 182, authorizing municipalities to establish a self-insurance loss fund. (Sen. Lessard, Dist. 21; Sen. Champagne, Dist. 20 — To Insurance)

SB 183, relative to the limitation on certain political contributions. (Sen. Splaine, Dist. 24; Rep. Splaine, Rockingham Dist. 19; Rep. Hynes, Rockingham Dist. 20; Rep. Read, Rockingham Dist. 23; Rep. Morrisette, Strafford Dist. 7; Rep. Carroll, Merrimack Dist. 14; Rep. Camuso, Rockingham Dist. 19; Rep. Burchell, Strafford Dist. 12; Rep. Wood, Rockingham Dist. 22; Rep. MacDonald, Rockingham Dist. 20; Rep. LoFranco, Rockingham Dist. 21; Rep. Pantelakos, Rockingham Dist. 23; Rep. Spirou, Hillsborough Dist. 27 — To Executive Departments)

SB 184-FN, relative to medicaid and food stamp fraud. (Sen. Champagne, Dist. 20 — To Public Institutions, Health and Welfare)

SB 185-FN, relative to a special election in Hooksett. (Sen. Podles, Dist. 16; Rep. Riley, Merrimack Dist. 6; Rep. Boucher, Merrimack Dist. 6 — To Executive Departments)

SB 186-FN, establishing the New Hampshire constitution bi-centennial education commission and making an appropriation therefor. (Sen. Wiggins, Dist. 8; Rep. Eaton, Hillsborough Dist. 1 — To Education)

SB 187-FN, to establish an advisory committee for the regulation of lay-midwifery. (Sen. Roy, Dist. 22; Sen. Podles, Dist. 16 — To Public Institutions, Health and Welfare)

SB 188, relative to work release at the state prison. (Sen. Roy, Dist. 22 — To Public Institutions, Health and Welfare)

SB 189, requiring a 10 percent discount on liability insurance for persons 55 years of age or older who have complete a defensive driving course. (Sen. Lessard, Dist. 21; Sen. Splaine, Dist. 24 — To Insurance)

SB 190, to expand the purposes for which interest on probation department funds may be expended. (Sen. Stephen, Dist. 18; Sen. Champagne, Dist. 20 — To Public Affairs)

SB 191, relative to the termination of child support orders. (Sen. Stephen, Dist. 18; Sen. Champagne, Dist. 20 — To Public Institutions, Health and Welfare)

SB 192, relative to bulk sale transfers under the uniform commercial code. (Sen. Kelly, Dist. 14 — To Public Affairs)

SB 193, to establish the duties of domestic relations officers. (Sen. Stephen, Dist. 18; Sen. Champagne, Dist. 20 — To Judiciary)

SB 194, requiring informed consent of the mother for an abortion and parental or judicial consent if the pregnant mother is a minor. (Sen. Champagne, Dist. 20; Sen. Lamontagne, Dist. 1; Sen. Monier, Dist. 9 — To Public Institutions, Health and Welfare)

SB 195, relative to the interest chargeable by credit unions and the LaCaisse Populaire Ste-Marie or St. Mary's Bank on unpaid loan balances. (Sen. Champagne, Dist. 20 — To Banks)

SB 196, relative to the composition of the administrative committee of the municipal and district courts. (Sen. Champagne, Dist. 20 — To Judiciary)

SB 197, relative to a certificate of need for an inpatient psychiatric hospital in Manchester. (Sen. Kelly, Dist. 14; Sen. Lessard, Dist. 21 — To Public Institutions, Health and Welfare)

SB 198, relative to liquidity of cooperative banks, savings and loan associations and building and loan associations. (Sen. Lamontagne, Dist. 1 — To Banks)

SB 199, relative to simplification of language in life and health insurance policies. (Sen. Champagne, Dist. 20 — To Insurance)

SB 200, authorizing a preliminary breath alcohol intoxication test. (Sen. Lamontagne, Dist. 1 — To Transportation)

CACR 10, relative to initiative petitions. (Sen. Sanborn, Dist. 17 — To Executive Departments)

HOUSE MESSAGES

INTRODUCTION OF HOUSE BILLS

Sen. Brown offered the following resolution:

Resolved, that in accordance with the list in the possession of the Clerk, House Bills number HB 437 and 525 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

First, Second Reading & Referral

HB 437, changing the dates for annual school district meetings and for notifying certain teachers concerning their re-nomination for the next school year. (To Education)

HB 525, requiring members of the press to wear a press pass while covering legislative activities. (To Internal Affairs)

ENROLLED BILLS REPORT

HB 77, relative to voting procedures for blind persons.

HB 227, concerning the apportionment of delegates after presidential primary elections.

HB 234, extending the degree granting authority of Daniel Webster College.

HB 251, to eliminate the requirement for a pre-marital blood test.

HB 293, concerning regional vocational education advisory committees and transportation costs.

SB 11, recodifying RSA Title XX and relocating certain RSA chapters.

HB 346, relative to the Winnepesaukee river basin control.

Sen. Lamontagne for the committee.

COMMITTEE REPORTS

HB 61, relative to the reporting of bear killed. Ought to pass with amendment. Sen. Preston for the committee.

SEN. PRESTON: The amendment is written on page 10 and increases the time span to within twenty-four hours. Our esteemed chairman of the committee having been hunting bear himself, indicated that on killing a bear and dressing it and getting it out of the forests might take much longer than the twelve hours that had been heretofor requested. So the amendment simply allows more time in reporting the bear having been killed.

Amendment to HB 61

Amend RSA 208:23 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

208:23 Report of Bear Killed. Within 24 hours after any person has killed a wild bear in this state, he shall personally present the carcass of such bear to a deer registration station within this state and make a report to such station, indicating the town in which the bear was taken, and furnish such other information as the director may require. The registration agent shall register each bear in the manner prescribed by the director and collect a fee of \$.50 only from the person registering said bear. No person shall present for registration, or allow to be registered in his name, a bear he himself did not kill. Any person who fails to make the report required by this section is guilty of a violation.

Amendment adopted. Ordered to third reading.

HB 345, relative to oil spillage in public waters. Ought to pass with amendment. Sen. Brown for the committee.

SEN. BROWN: The amendment to HB 345 is on page 10 and 11. It is a bill that defines the different word interpretations in relation to oil spillage along the river. In case there is a buildup there is a certain percentage of money donated to this fund to pay for spillage. This is really definitions. The amendment is a definition of oil. Right now in the statutes there is no definition of oil and a lot of people are getting liquid propane gas confused with oil. Oil does not pollute, it's a gas that dissipates in the air. Even though it leaks underneath the water or in the air. To have it clearly defined so that it will not in the future years be interpreted as oil. Bill Healy, the Water Supply and Pollution Commissioner who oversees this program was in complete agreement with it.

Amendment to HB 345

Amend RSA 146-A:11, VII(a)(2) as inserted by section 2 of the bill by striking out said paragraph and inserting in place thereof the following:

(2) "Transfer" means, for the purpose of determining the license fees of this paragraph, any transfer to an oil terminal facility and any transfer by a licensee to a non-licensee whether by vessel, pipeline, truck, railroad or any other contrivance to the extent that the transfer of such oil has not been previously subject to the license fee of this paragraph. Fueling or refueling of vessels employed in transfer operations shall not be included.

Amend section 3 of the bill by striking out same and inserting in place thereof the following:

3 Definition. Amend RSA 146-A:2, III (supp) as inserted by 1971, 266:1 as amended by striking out said paragraph and inserting in place thereof the following:

III. "Oil" means petroleum products and their by-products including but not limited to, petroleum, fuel, sludge, crude and all other liquid hydrocarbons regardless of specific gravity. Notwithstanding the above, the term "oil" does not include natural gas, liquified petroleum gas or synthetic natural gas regardless of derivation or source.

4 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted. Ordered to third reading.

SB 73, reinstating the corporate charter of Newfound Acres, Inc. Ought to pass. Sen. Conley for the committee.

SEN. CONLEY: SB 73 corrects the situation that developed in the Secretary of State's office where it was indicated a corporation failed to file their corporate papers on time. Through testimony it was determined that the attorney for the case is the party at fault. He is no longer available to answer any questions about anything because he is out of the state. The Secretary of State testified to the appropriateness of this bill, this is a private bill to rectify a wrong. We urge the Senate to vote in favor of the bill.

Adopted. Ordered to third reading.

SB 62, exempting certain candidates from the provision of RSA 658:24 and 659:58. Ought to pass. Sen. Conley for the committee.

SEN. CONLEY: This bill allows candidates for a delegate to the state party convention and candidates for city charter commission member, under RSA 49-b to work at the polls during an election and to count votes after an election. Currently such candidates are disqualified from working at the polls during the election and from counting votes after the election. This has been a thorn in the side of people in the small towns and in some of the city wards where they are running out of people to help count the votes and do the work at the polls. This particular candidacy has to do with a single day effort on the part of the state party conventions. There is no cost to the people when they file. It is almost a courtesy kind of thing and we recommend that we update our election laws and take care of this thing that we did not take care of in 1977 and 1979. We urge the Senate to approve.

Adopted. Ordered to third reading.

HB 11, making appropriations for the modification of the Mount Washington summit building and to make it accessible for handicapped persons and for the completion of necessary repairs and drainage improvement at the state prison and relative to call provisions in state bonds and the issuance of refunding bonds. Ought to pass. Sen. Sanborn for the committee.

SEN. SANBORN: To start with I think everyone should take a look at the House Journal, pages 1104 and 1105 because the copy of HB 11 that you have on your desk does not probably contain the amendment the House put on and that amendment is on those pages of the House Journal 55. Basically what this bill does to start with is that in the construction of the summit building on Mount Washington there wasn't sufficient funds to put in an elevator to take care of the handicapped. The pad that it takes off from at the bottom level was put in correctly for the elevator but the money for the elevator and the walls to contain it were not added. This bill adds the elevator. The second part of the bill which is in the House amendment provides for a call provision on bonds. This was requested by the bonding council to the state treasurer and changes the procedure where he gives bonds out and he can after a period of time recall a bond and then have it reissued if the interest rates go down. This gives the treasurer

a better chance to save the state some money by recalling issued bonds and putting them out at the lower interest rate. The last part of the bill as amended by the House adds an appropriation of \$75,000 for the prison. It seems that in a previous session we authorized a gymnasium up there. It was probably very properly provided with the necessary plans and so forth and the architectural specifications but somewhere along the line instead of the floor staying in place, after one winter it buckled. In the remembrance of Commissioner Walter Mead, the first time in state history since he's been connected with public works the state is in suit with a contractor trying to recover the funds for this floor. However, we have to repair it and so forth and we are asking for the \$75,000, hopefully to be refunded in time by the results of this suit against the contractor and architects that made this mistake to begin with. That in substance is what HB 11 is at present.

SEN. CONLEY: I would just like to urge the Senate to go along with HB 11 in its present form. My original concern was for the availability of the top of Mount Washington for the handicapped. We have people who go up there and under the present circumstances would not be able to use the new facilities, with this additional funding we will be able to use them like everybody else.

SEN. ROY: Senator, relative to this \$75,000 appropriation for repairing the gymnasium floor at the prison. Are there any monies held in escrow from the contractor?

SEN. SANBORN: I believe there is some right now but whether there will be enough to cover this floor change, re-modification, I'm not sure.

SEN. ROY: But you are expecting that if there is a positive finding in the suit and with the escrow that is being held that the state would in fact be reimbursed?

SEN. SANBORN: That is correct.

Adopted. Ordered to third reading.

HB 97, making an appropriation for capital improvements. Ought to pass. Sen. Sanborn for the committee.

SEN. SANBORN: HB 97 is what has been referred to for the last year or so as the fast track bill. These are projects

that the money for design, land acquisition, and preparation were in the last capital budget. It is found that if we can get this through quickly we can get the contractors while they still have a sharp pencil and hopefully get these bids in at an amount considerably under what the amount is shown here, because contractors are right now making up their schedules for this construction year coming. Hopefully, if we get them out now they will consider these are part of it and we can get the better price. To go through the bill quickly: In section 1, education, there is a seacoast voc-tech school, the one in Portsmouth that is slowly sinking out of sight. They have obtained the land in the town of Stratham and it has been prepared for the construction of this building, the working drawings have all been completed; section b is the addition to the building at the voc-tech school which basically is a couple of classrooms and a library expansion; section c is a structural repair of the Laconia voc-tech, this is an item that came up recently when they started construction on the addition of the Laconia vocational-technical college, they were opening up near the foundation of the existing building and found some serious defects in the foundation and in some of the structural members of the building. Actually most of this work has been completed, it has only cost about \$85,000 but at the time of the preparation of this bill they had no idea what the costs would be so they put in the sum of \$250,000. I assure this Senate, and I want it for the record, that the \$85,000 that they have actually spent will be all that will come out of that, no more. They hope to have a little addition in the regular federal budget bill when it comes through, probably a footnote saying that that will be all it will be. They cannot do the entire bonding of \$250,000 and spend it wherever they please. II — is the health and welfare, the elevator replacement at Glencliff. This again was in the last capital budget but they couldn't get a bid for the money that we put in to the last capital budget and they are putting in here just the money that is required. III — Public Works and Highways; the traffic division facility is the garage that burned on Stickney Avenue about three or four years ago. There has been a lot of debate about rebuilding it and so forth. Some money was given in a capital budget about three years ago but because of problems in trying to put it down there, the City of Concord wanted us to move it somewhere else if

possible, so a search throughout the city was made by Mr. Mead and the Office Space Study Committee who looked at many tracts of ground including ground out on Clinton Street that the state owned. They also looked at a field up at the state prison that the state owned, however, at public hearings the citizens of the City of Concord came in and made it very emphatic that they did not want the heavy traffic of the sign division running through the main streets of this city. So we did find a piece of land out on the Sheep Davis Road, Route 106, that was for sale at a good price, so we purchased that piece of land. This money will provide for the construction of the traffic division garage. IV — is phase 1 of the new prison. That is the total amount that shows in this so-called fast track bill. I want it understood by this Senate that a fiscal committee appointed Rep. LaMott, Rep. Kidder, and myself to a committee to look into the bonded indebtedness of the state of New Hampshire. The total bonded indebtedness, this includes bonds that we have a moral obligation to, not necessarily that we are going to have to pay, such as the state housing authority and the industrial authority. If they were both defunct, the state then would be responsible, but we have only a moral obligation in that area. The bonded indebtedness, including those, at this time in this state is \$1,056,000,000. We have talked with the Governor. Rep. Bibbo is chairman of Public Works in the House and Rep. Kidder, Rep. LaMott, and I have discussed this several times about the indebtedness of this state. This fast track bill plus the proposed capital improvements bill that has come from the Governor in his message and any specials will only amount to about \$25,000,000. Hopefully, if there aren't too many other bills that come in bonding general funds, then we will be able in the next bien-nium to be paying off as much in general funds indebtedness as may be incurred by this session. I want that to be in the record very clearly so that everybody understands it. I hope through Legislative Services to be able to get each member of this Senate a copy of that bonded indebtedness report that we made to the fiscal committee.

SEN. MANN: Can you tell me Senator, how much that state prison will cost?

SEN. SANBORN: It will probably be in the vicinity of \$40 to \$44 million by the time we get all through. Much of this work came out of a study that was made of the prison

facilities here in the state and also some of it is a result of lawsuits that were brought against the prison and the state.

SEN. MANN: My understanding from Senate Finance is that there was talk of up around \$70 million.

SEN. SANBORN: I doubt it will be that high. It depends on how many different buildings they want to add up there. This adds the first phase, which will be only the design and working drawings. Phase two will be included in the regular capital budget bill which will add a second and third building. Whether in time, if they want to add a section for female offenders and another one for those that are very easy to get along with, that is going to be entirely up to the Legislature.

SEN. MANN: On the seacoast bill chapter, is this a new location or is it the same location?

SEN. SANBORN: This is a new location that was obtained since the last capital budget. It will not be in that sinking swamp, we guarantee.

SEN. MANN: What are we going to do with what we have there now? There are millions of dollars invested.

SEN. SANBORN: Hopefully we will sell it, but we don't know who to.

SEN. MANN: Will that go into the General Fund? Or to pay off the building?

SEN. SANBORN: That will probably go either to the General Fund or to pay off the indebtedness that we have.

SEN. STABILE: By my calculation they are talking \$57,220 per bed for this prison. Is this in line with the national figures for other prisons that are being built? To a layman \$57,220 per bed sounds like a heck of a lot of money.

SEN. SANBORN: Well, as I understand Senator, to meet all the requirements of the national board, the state life safety codes and all that, that it is very expensive to build a prison, as I believe a couple of counties have already found in their local jails. I believe Hillsborough is one and Rockingham is another.

SEN. BLAISDELL: Does this have anything to do with what the Berger report said?

SEN. SANBORN: The prison, yes. I couldn't remember the name off-hand, but the Berger report, and also the Leeman case.

SEN. BLAISDELL: Is this the total people in the state prison today, around 273? Is that about right?

SEN. SANBORN: I believe the warden at the state prison told us the day we had the hearing that there was around 325-335, but don't hold me to that, but there is over 300.

SEN. BLAISDELL: Aren't we within the bounds of the Berger report? They aren't forcing us to do this are they, Sen. Sanborn?

SEN. SANBORN: The Berger report isn't forcing us to do a thing but some of the court decisions, such as the Leeman case, say that we do not provide sufficient room in each single cell for a prisoner under the standards today for comfort.

SEN. BLAISDELL: From what we hear coming from Washington today in some of the restrictions being lifted, do you feel that maybe that would be some area that might be lifted, some of the requirements that have been forced upon us by the federal government?

SEN. SANBORN: I have no idea. I can't answer that.

SEN. LAMONTAGNE: You're talking big money right now, how much is the federal government going to be putting in to this?

SEN. SANBORN: We have no knowledge that the federal government is putting anything into our capital improvements as shown in the past taxes.

SEN. MANN: Is there safeguards in here so that these funds cannot be transferred to other projects. For example, if the elevator fund is \$60,000 and they can build it for \$40,000 and they have \$20,000 to do what they may. Are these funds earmarked for that particular job and no other job?

SEN. SANBORN: That is correct. They cannot. I might say Senator that \$40,000 was our original figure and they couldn't do it for that but say it did come in at \$50,000 and left \$10,000 over, they could not use it for something else. Let me add something else, unless this legislature authorizes them to.

SEN. CHANDLER: In your explanation of this bill you spoke about many things that are not in our copy of it. Are those amendments that you are proposing?

SEN. SANBORN: You have the wrong bill in hand. I was explaining HB 97 not HB 11. I might say that HB 97 has been a complete bill throughout. It has been an agreed bill for the House, and for myself, the Senate and the Governor.

Adopted. Ordered to third reading.

Sen. Chandler wishes to be recorded as voting against HB 97.

Recess.

Out of Recess.

Sen. Sanborn in the Chair.

HB 425-FN, relative to supplemental appropriations to various departments and agencies, changing the maximum number of off-sale liquor permits allowed, increasing the registration fee for interstate common carriers, providing for the lapsing of interest and the accumulated balance of the contribution fund to the general fund, providing an appropriation for food, fuel and utilities, providing an appropriation for the purchase of state police vehicles and providing a special education formula. Ought to pass with amendment. Sen. Monier for the committee.

SEN. MONIER: I think that by this time everybody is pretty familiar with HB 425. HB 425 is the Governor's supplemental budget. The Finance Committee had a joint hearing with the House and therefore we tried to expeditiously move this on Tuesday when we met. I requested a suspension of rules, the suspension of rules did not have the necessary votes and I indicated that at that time as a result of that there would be a long term delay and that I had hoped that the Senate would vote for the suspension of rules. Be that as it may, HB 425 is before us today and I ask that it ought to pass as amended. The amendment is listed for you on page 11 of the current calendar. It is a very simple amendment and it runs from page 11 to page 12. What it does in effect is strike out those sections of HB 425 which the Senate has already taken action on. Those two sections involve SB 10 which was passed I believe last week and signed by the Governor and is now law. Therefore it has no need of being in HB 425. The Governor had agreed with me that that was a true statement and he has no objections to that amendment. The second portion of the amendment takes out the contents that are currently in HB 9. I know that everybody knows what that is but I will reiterate it one more time. The significant difference about the special education that is in HB 425 and that which

is in HB 9, is the review. You can argue about all the figures or anything else but that is the only real significant difference between the content of HB 425 that deals with special education and HB 9. HB 9 has been passed by the Senate, it has now been concurred with in the House, it was reconsidered in the House and reconsideration lost. As a result there is no need for HB 9's contents to now be in HB 425. In short the battle over repeal has been fought. There are some I guess who feel they still ought to battle with this. I urge you very simply, very basically, very clearly, two things: this morning the Governor and I conferred and I am not in any way at all trying to imply his amendment to agree with me at all, that question never came up. I was asked to reassure him that the intent of the repeal was not to stop special education as of June. I repeated to him what is in the Senate Journal when we first fought this battle, which I think every member of this Senate fully knows, the intent of the repeal is not to stop special education in June. The intent of the repeal is a very simple matter. Without it you are not going to have open hearings in this legislative body during this biennium with respect to the current special education law. And believe me, of all the phone calls I got, every time I asked them what it meant, only one person was able to tell me. I accepted her explanation of why she was against HB 9 and HB 425. Quite frankly it boiled down to one thing, that her child probably would not be covered under either one of them. That's unfortunate and has nothing to do with the repeal. But in order to insure the public, and incidentally if I may Mr. President, maybe we should hold our sessions in here all the time when the House is out of session, I see we have a repertoire of the corps of press today, so maybe we ought to go back to Mondays and Fridays. But the truth of the matter is that we respect to the repeal, I stand here both as a President of the Senate and as a Senator on the floor, telling you bluntly and frankly, don't try to put words in my mouth. There will be a special education bill in the mill, I will bring it before the Senate, I will fight for it, before the 30th of June. Any other statements are fiction of the imagination. I urge very strongly Mr. President that this body adopt the Finance Committee report, which is HB 425, to pass as amended. I urge one other thing, these are the only amendments that the Finance Committee condon. They are

the only amendments that I as the chairman of the Finance Committee condon. And I stand here ready to defeat any other amendment that comes before this Senate on this bill today. I do it for one reason and one reason only, and don't try to put words in my mouth again, the question is very simple. HB 425 was to go to the House clean. HB 9 was to be brought to the Senate clean. They fought their battle and I'm going to fight mine. I have nothing against HB 425 the way it stands as long as HB 9 and SB 10 come out because they are no longer necessary in the bill. In case anybody is interested because the issue has become a side issue to everything else, if we remove SB 10 which obviously we should and HB 9 because obviously we should, the total amount of HB 425 as amended is \$3,952,329.

SEN. SPLAINE: So that I won't misunderstand you and not put words in your mouth, can you further explain your comment concerning that you will fight for legislation to replace the special education law?

SEN. MONIER: I certainly will. My answer is very simple. If you look at this amendment very carefully, or if you look at HB 9, I should say, very carefully. You will find that in there, while everybody says what we tried to do is repeal the law nobody has bothered to read what is in front of it, which says that this is a legislative intent. There is a section there and that section very clearly says that the intent of the repeal is to allow all members, the providers, the beneficiaries, the vested interest and the legislature to have open hearings as to any changes that should be considered and adopted under current law that is on the books. The reason for that is, and I think it's obvious right here if you think about it, we've already taken up one of the major issues and there has been no open hearing on it. I feel very strongly that the special education bill as it is now drafted on the books was incorrectly drafted and that's one of the reasons we are here with all of these extra monies to be paid. Now if after public hearing the decision is by the members bringing that bill through that that is the way it ought to stay then I will till June 30th to leave it that way because my intent is not to kill off special education. But I think that we are foolish to pretend that the current law does not need an open addressment of any problems that exist. I will also tell you I have no amendments to offer to it. I just think it has to have that opportunity.

SEN. SPLAINE: Do you believe that there will be a special education law on the books with you fighting for it, by the end of June.

SEN. MONIER: Unless some people, who seem to want to change their minds about things every fifteen minutes, want to stop it in order to pretend that they are trying to embarrass me. But I have no way to stop and have no intention of stopping it. As a matter of fact I think you are aware, Sen. Splaine, and thank you for giving me the opportunity for saying so, that that bill is already now, I hope I'm saying this right, drafted, signed and probably assigned by the House to the House Education Committee. I think Sen. Kelly is the representative of the Senate and our Chairman of Education is a cosponsor of it. I say that, he doesn't have to acknowledge it but I think that's correct. And so is Sen. Conley, and I am not. So I have no vested interest in it one way or another.

SEN. BLAISDELL: HB 9 now is laid on the table, Senator?

SEN. MONIER: That is only partially correct, the message is laid on the table.

SEN. BLAISDELL: When would we think that that message would be taken up in the Senate?

SEN. MONIER: You should have never asked me that Sen. Blaisdell, because had we, and I'm not being facetious but I'm going to give you the full answer so that everybody understands, had we suspended the rules when we asked on Tuesday, then HB 9 would have been on the way to the Governor for signature between now and Friday or whenever we could have processed it. HB 425 would have gone across the table in which I would have hoped with the same kind of vote we will have now. The Governor would have had that one also so he could have signed both of them. I hate to inform the Senate of this although I urge all of you to look at the Journal because it was not a political part on my part, I don't think it was on you people's part but I think there was a misunderstanding somewhere. The House is out of session until next Thursday therefore there can be no action on either bill until next Thursday.

SEN. PRESTON: At the risk of being accused of singing the same song, I'm not going to refer to the President's speech as the immaculate deception again but when he says "this is a very simple amendment" it simply removes that section on welfare which I can understand is SB 10 which was signed

into law by the Governor but it also removes the clean payment to the districts of some \$6.6 million without the repeal we've objected to. I don't consider that a simple amendment, it is a very significant one and the repeal section of which should have had public hearings held on that effort prior to indicating we'll hold them later on. A parent called me the other night and made a very strong point to me that we can suspend and react quickly on things that are very sensitive to them as parents of handicapped children, that we can have a big emotional debate for three hours on the bottle bill and so quickly act on reconsideration or not to reconsider, to suspend or not to suspend when it affects human lives. This is getting to sound a little corny but I'm going to vote against this amendment based on the fact that I think any special education bill that we have, and I believe Sen. Monier will support a bill as he has pledged to do, but I have very grave concerns that the Senate President is sitting in an all-powerful position as to the type of bill we have for aid to education. I've made that statement to him privately and I'll say it publicly. Of course we are going to end up with some legislation but the kind of legislation we end up with concerns me greatly and I think the power to make that determination rests in the hands of few if not one. And I'm going to vote against the amendment on that basis.

SEN. MONIER: Without any regard to our political differences on this matter Sen. Preston, I would assume that you would also indicate that the Governor through a veto has a very powerful position on any bill, am I correct?

SEN. PRESTON: Yes, he certainly does.

SEN. MONIER: Thank you. I just don't want to be the only one who is powerful.

SEN. SPLAINE: I just want to add that in my objections to this amendment and with my no vote, I see the entire issue of the special education law that we have been talking about, discussing, without going into much depth about what changes should be put into the law, is simply something that through the legislative process could be dealt with much better if we had in the beginning cooperated and worked and made some overtures with the House. It seems to me that we are talking about tearing down a building that we happen to live in on June 30th hoping that we are going to be able to erect one again before the sun comes out the next day. The wind might

be blowing too hard on the last legislative session day and we are not going to be able to put that building up, in this case we are not going to be able to put together a law and finalize it. I'd much rather see us have done it the other way around and I am going to vote no on this amendment as part of my protest to that kind of approach. I just don't see it as a logical one at all.

SEN. MONIER: Senator I can recognize your apprehension. Would you just answer me one question if you can and if not just so that I can put it on the record? You are aware that the only education bill that dealt with special education was in the House in the House Education Committee. It was a bill sponsored, I believe, by Rep. Boucher and others. You are aware I hope that that was in that committee in the beginning of February, we are now rapidly approaching the passover date and the finance money bill. Would you tell me why, if you know, they didn't take those actions would now be required under this repeal, in order to put the bill pass.

SEN. SPLAINE: Oh, I guess, like you at times I don't understand all the politics behind an issue but I think that much of the public doesn't understand either. And I'd rather see us be able to deal with these issues, perhaps from here on out, much more in the open.

SEN. MONIER: Would you believe that that is exactly why I have asked for a repeal?

SEN. SPLAINE: We'll find out on June 30th.

SEN. RICE: I rise in opposition to this amendment. I concur with the Senate President that there is a need to revise special education laws. I do not disbelieve that his intentions are honorable and that there will be a new bill. I assure you and every other member of this Senate that the anxiety level of parents and of educators is extremely high throughout the state of New Hampshire right now concerning the repeal of special education legislation. The credibility of the Senate I think has been somewhat jeopardized because of that. If a new bill by Sen. Conley or Sen. Kelly and representatives is being drafted and is going to be considered, I think that the point of the repeal has been made. I think that this Senate would be looked upon in much higher esteem by the citizens of New Hampshire if today we would not amend to remove that and we would take the repeal out.

SEN. CONLEY: Are you aware that a special task force by the Governor was appointed better than a month ago on this very issue?

SEN. RICE: I am aware of that.

SEN. CONLEY: Are you aware that there has been no call to any meeting of that special task force as yet?

SEN. RICE: I am not aware of that, Senator.

SEN. CONLEY: Well I can say that it is and this is the very thing that some of us are concerned about with regard to the repeal. If that repeal date is not in there I will tell you that there will be nothing done or accomplished by that task force.

SEN. RICE: Sen. Conley, with the history that you have demonstrated and the concern that you have demonstrated for special education and for legislation concerning the handicapped, whether the Governor's task force meets or does not meet, I don't think you can sit there and tell me that nothing would be done without an appeal in this current legislation.

SEN. CONLEY: Would you believe that not only has a bill been drafted with regard to the new education program but that it is in fact a bill and has been introduced to the House and hearings are supposed to take place next week?

SEN. RICE: I would believe that and that further demonstrates that action is being taken regardless of whether a special task force has met or not.

SEN. CONLEY: Would you believe that probably that bill would not be where it is right now unless that repeal notice was included in that particular bill?

SEN. RICE: If you want me to believe that I will believe that. And if that is true, Sen. Conley, there is no reason why we cannot take the repeal out today.

SEN. CONLEY: Sen. Rice have you sat on committees of conference and have you sat on interim study committees?

SEN. RICE: Yes, Senator.

SEN. CONLEY: And have you seen those study committees and those committees of conference go beyond the deadline?

SEN. RICE: Yes, Senator Conley.

SEN. CONLEY: That's the reason for the repeal, Sen. Rice.

SEN. WIGGINS: In the hearings around my section on the school board they were very concerned about handicapped education and the costs involved because it was an open-end textbook. This is one of the reasons why I voted for HB 9 to repeal it and rewrite one that would close some of the loop-

holes and contain some of the costs to the cities and towns. I'm not against handicapped education, I fought for it in the House, I voted for it in the House and we've got to have it. It is very essential. To raise the spectre of a ghost on these amendments that we won't have a special education bill before we adjourn seems like an exercise in futility. They know they are going to have one but they've got to put up all the smokescreens that can be had by certain elements. I would urge the Senate to vote for the amendments in the book and to then go on and if they want to amend the bill in other aspects, to do so.

Sen. Blaisdell moved the previous question.
Adopted.

Amendment to HB 425

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to supplemental appropriations to various departments and agencies, changing the maximum number of off-sale liquor permits allowed, increasing the registration fee for interstate common carriers, providing for the lapsing of interest and the accumulated balance of the contribution fund to the general fund, providing an appropriation for food, fuel and utilities and providing an appropriation for the purchase of
state police vehicles.

Amend the bill by striking out paragraphs II and VII in section 1 of the bill and renumbering paragraphs III-X to read as II, III, IV, V, VI, VII and VIII respectively.

Amend the bill by striking out section 10 and inserting in place thereof the following:

10 Effective Date. This act shall take effect upon its passage.

Amend the bill by striking out sections 2, 8 and 9 and renumbering sections 3-10 to read as 2, 3, 4, 5, 6 and 7 respectively.

Amendment adopted.

Recess.

Out of Recess.

Sen. Blaisdell moved a floor amendment to HB 425-FN.

SEN. BLAISDELL: I'd like to offer the following amendment. You have copies of it on your desk. This has to do with the off-sale permits of beer. I want that clearly understood and that's what the amendment that Sen. Mann and I are proposing before the Senate. I would like to speak to that amendment if I could. I'm going to be very brief with this because I think the battle has been fought on this in the hallway. I would be remiss if I did not stand on the floor of the Senate and speak for that grocer who stood out in that corridor a few minutes ago and asked for some help. He represents the small grocers and I'm sorry if he's still here, that he had to take some of the abuse from some people that he took, I don't think it should have happened and I apologize to that person. He's a good hard-working man and certainly I'm sure he had to take some time off from his small business to come here and try to represent what he thinks is right for the small businessmen of this state. My main objection to the funding of this bill and the total amount that has been banied about and what this will mean to the state of New Hampshire, the big amounts of money that are going to come in, I say, are absolutely untrue. I think that no one looked at the other side of the business profits tax that probably these small grocers would not pay any more if we allow 30 more licenses to be sent around this state. It has been stated by many that \$4.6 million went into the General Fund last year and proponents of increasing the licenses from two to six say it will raise from \$1 to \$2 million. I disagree with that. Now they are coming down a little bit and saying it's not going to raise quite that much, it might raise \$750,000. But let's put all of this in the right light. If they are saying \$1 to \$2 million that would mean approximately about a 45 percent increase in beer sales in the state of New Hampshire. If you are talking about \$750,000, you are talking maybe about a 16½ percent increase in the state of New Hampshire. I would like to remind this Senate that last year, I think it was last year, the state of New

Hampshire had an increase of ½ of 1 percent in the beer sales in this state. By giving and extending these licenses to six there is no way you are going to get that type of revenue. I don't want to beat this, I know you people are tired and I would like to put HB 9 and HB 425 behind us but I cannot in good conscience stand up here and vote for six beer licenses. I never have, I think it's wrong. I'm not going to bring the Mom and Pop stores into it, I think you've heard that story all along, but I do have some compassion for that guy who stood out in that corridor because I am a small businessman myself. I hope you will accept this amendment and take this out of HB 425 and send it back to the House. I think it is a responsible thing to do and I will leave the rest to you people.

SEN. MANN: Just very briefly that I did have a lot of calls from friends who were in the small grocery stores and very much against this and I am very much opposed to this. I see a trend starting where we are only going to put in six, next biennium we will put in six more, next twelve more, and as far as I'm concerned that's the end of the beer. I think there is so little money that is going to be gained from this, if any, I think it is ridiculous. I would just like to hope that we could pass this amendment and get it to the House and see what they do with it.

SEN. MONIER: Just to remind the Senate, as I said earlier in my presentation with regard to the finance, I am going to oppose every amendment that comes before this that is not part of finance.

Roll Call requested by Sen. Blaisdell.

Seconded by Sen. Freese.

The following Senators voted yes: Freese, Hough, Chandler, Wiggins, Blaisdell, Mann, and Rice.

The following Senators voted no: Lamontagne, Conley, Monier, Stabile, Boyer, Kelly, Podles, Sanborn, Stephen, Brown, Champagne, Lessard, Roy, Preston, and Splaine.

7 yeas 15 nays

Amendment failed.

HB 425, ordered to third reading.

Sen. Monier in the Chair.

SB 46, relative to the regulation of lobbyists. Ought to pass with amendment. Sen. Brown for the committee.

SEN. BROWN: SB 46 is the lobby bill. We have had this before us in numerous sessions. Sen. Preston is the sponsor. The amendment is a complete new bill. What it does is in the past the fee has been \$25 for anyone to register to be a lobbyist and if it was a company someone else within that company could substitute and it would not cost him a fee. According to this new legislation he cannot do that, each person who lobbys from any one company has to pay the \$25 fee. The second change is accounting. And that is that if he is on the register at the first of the session in the odd year he has to file by April 15th, and any expenditures or anything previous to that, and then again by August 15th. The third part of the amendment is that if there are recall days or special sessions, he has to file within 30 days after that. The fourth part of the amendment is that this takes effect upon passage rather than in 60 days. That is the amendment which is the complete bill.

Amendment to SB 46

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Lobbyists. Amend RSA 15:2 as amended by striking out said section and inserting in place thereof the following:

15:2 Registration Fee. The fee for registration as a lobbyist under RSA 15:1 for any one regular or special legislative session, shall be \$25 for each employer. Each individual who acts as a lobbyist shall pay the above registration fee regardless of his affiliation with any registered lobbyist.

2 Statement. Amend RSA 15:3 by striking out said section and inserting in place thereof the following:

15:3 Statements.

I. Each lobbyist shall file with the secretary of state itemized statements under oath of his fees and expenditures in connection with his legislative employment, including by whom paid

or to whom charged. The statements shall be in the form prescribed by the secretary of state, and shall be open to public inspection.

II. Lobbyists registered for a regular session shall file statements on April 15 and on August 15 of each odd-numbered year. The statement due on April 15 shall cover from the time of registration to April 1. The statement due on August 15 shall cover the period from the time of registration or April 1, whichever is later, to August 1.

III. If regular session days are held after August 1 of an odd-numbered year, lobbyists must file a statement within 30 days after each calendar day in which legislative business is conducted.

IV. Each lobbyist registered for a special session shall file a statement within 15 days of the conclusion of the special session.

3 Effective Date. This act shall take effect upon its passage.

Amendment adopted. Ordered to third reading.

SB 69, increasing the interest rate of housing authority bonds. Ought to pass with amendment. Sen. Brown for the committee.

SEN. BROWN: On SB 69 the amendment is on page 13. What this does is that in the past the Manchester housing authority, when they sold their bonds they have always been able to go up to 10 percent interest, this takes that cap off and allows them to go up. The original bill asks to go up to 15 percent. The committee put no cap on it because obviously the interest rates are fluctuating so today and obviously that they want to sell the bonds with the lowest possible interest that they can.

Amendment to SB 69

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Increase Bond Interest. Amend RSA 203:15, I (supp) as amended by striking out said paragraph and inserting in place thereof the following:

I. Bonds of an authority shall be authorized by its resolution and may be issued in one or more series and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates, be in such denomination or denominations, be in such form, either coupon or registered, carry such conversion or registration privileges, have such a rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption (with or without premium) as such resolution, its trust indenture or mortgage may provide.

Amendment adopted. Ordered to third reading.

HB 414, authorizing borrowing by the Lamprey regional solid waste cooperative. Ought to pass. Sen. Brown for the committee.

SEN. BROWN: As you know the Lamprey regional solid waste cooperative has just come on line it has just been built. They burn the waste from the Durham area and they supply steam to heat the University of New Hampshire. To generate cash flow and to keep things going they would like to have the authority to borrow in anticipation of income. It's the same principle as at your town meetings, you allow your town to borrow in anticipation of taxes. There is a stop-gap so that they cannot borrow over what their estimated income will be.

Adopted. Ordered to third reading.

HB 168-FN, relative to sunset review of the division of mental health. Ought to pass with amendment. Sen. Roy for the committee.

SEN. ROY: HB 168-FN does renew the division of mental health. We have amended the bill to delete an oversight committee established by the House committee and have incorporated that committee in with the next bill we will be speaking to. Additionally, on page 13 running for about ten pages, you will read changes in rulesmaking, what these rules are, certain deletions, in order to put the rules for the division into plain language.

Amendment to HB 168-FN

Amend the bill by striking out all after section 2 and inserting in place thereof the following:

3 Rulemaking. Amend RSA 126-A:11 as inserted by 1961, 222:1 as amended by striking out said section and inserting in place thereof the following:

126-A:11 Agency Rules; Approval of Commissioner. Rules adopted by the department of health and welfare, including those of all agencies of state government merged within or transferred to the department, shall become effective when adopted under RSA 541-A by the director of the appropriate division, with the approval of the commissioner, unless otherwise specifically provided. Existing rules shall remain in full force until amended or repealed by the appropriate director with the approval of the commissioner.

4 Rulemaking. Amend RSA 126-A:34 as inserted by 1961, 222:9 by striking out said section and inserting in place thereof the following:

126-A:34 Authority of Governor and Council. If further rules are required by the federal government in connection with eligibility of the department of health and welfare to receive federal funds previously available to agencies now merged into the department of health and welfare or funds to be available to the department, the governor and council are hereby authorized to adopt rules as may be required to retain eligibility for federal funds.

5 Rulemaking. Amend RSA 126-A:39 (supp) as inserted by 1967, 430:1 as amended by striking out said section and inserting in place thereof the following:

126-A:39 Duties and Functions of Division of Mental Health and Developmental Services. The director shall develop a state-wide program of community living facilities for developmentally impaired and mentally ill persons. The director shall be responsible for the selection, certification and monitoring of such community living facilities in accordance with rules adopted by the director pursuant to RSA 541-A. The director shall also be responsible for prior approval of all individual residential placements and shall adopt rules relative to monitoring the care, treatment and habilitation provided to all residents of community living facilities. Placement of children

shall be consistent with RSA 170-A, 170-C and 170-D, as appropriate. Approval by the director of an individual for placement in a community living facility shall be based on a finding by the director that the community living facility is the least restrictive environment appropriate to the needs of the individual. "Least restrictive environment" means the facility, program or service which least inhibits a person's freedom of movement, freedom of choice, and participation in the community, while achieving the purposes of habilitation and treatment.

6 Rulemaking. Amend RSA 126-A:40 (supp) as inserted by 1967, 430:1 as amended by striking out said section and inserting in place thereof the following:

126-A:40 Standards and Certification for Community Living Facilities. The director shall adopt rules pursuant to RSA 541-541-A to govern the establishment and operation of community living facilities. The certification of community living facilities shall be based on these rules. No placements shall occur in the absence of such certification. The director may withdraw certification at any time he has reasonable cause to believe that there exist violations of federal, state or local law or of division rules adopted pursuant to RSA 541-A pertaining to community living facilities. Certification shall be subject to periodic review and renewal by the director.

7 Rulemaking. Amend RSA 126-A:41 (supp) as inserted by 1967, 430:1 as amended by striking out said section and inserting in place thereof the following:

126-A:41 Rates for Community Living Facilities. The director shall establish rates in accordance with rules adopted pursuant to RSA 541-A sufficient to provide a reasonable subsistence compatible with decency and health for persons in placement under this program. Payments hereunder may be made monthly by the director from available funds.

8 Rulemaking. Amend RSA 126-A:52, I (supp) as inserted by 1977, 600:27, II as amended by striking out said paragraph and inserting in place thereof the following:

I. The director of mental health and developmental services shall adopt by rule pursuant to RSA 541-A for any patient or resident of the institution named in RSA 126-A:45, a uniform monthly rate to cover the expenses of the several categories of service provided to patients or residents such as but not necessarily limited to the following: intensive medical care, treatment

and maintenance, intensive psychiatric care, treatment and maintenance, and custodial care, treatment and maintenance. The categories or classifications of service provided may be modified under the rulemaking authority of the director of mental health and developmental services or the director of public health services.

9 Rulemaking. Amend RSA 126-A:55 (supp) as inserted by 1977, 600:27, II as amended by striking out said section and inserting in place thereof the following:

126-A:55 Special Services. The director of the division of mental health and developmental services shall adopt rules pursuant to RSA 541-A relative to rates for special services rendered to patients or residents of institutions named in RSA 126-A:45.

10 Rulemaking. Amend RSA 126-B:9 (supp) as inserted by 1965, 185:1 as amended by striking out said section and inserting in place thereof the following:

126-B:9 Uniform Fees. The director of mental health and developmental services shall adopt rules pursuant to RSA 541-A relative to a uniform schedule of fees, taking into account ability to pay. All community mental health programs to which a grant is made under RSA 126-B shall charge all recipients of their services the fees as determined by the director, provided that no one shall be excluded from receiving services because of race, color, religion or inability to pay.

11 Rulemaking. Amend RSA 126-B:11 (supp) as inserted by 1965, 185:1 as amended by striking out said section and inserting in place thereof the following:

126-B:11 Duties of Director of Mental Health and Developmental Services. In addition to other powers and duties, the director of the division of mental health and developmental services shall:

I. Adopt rules pursuant to RSA 541-A relative to eligibility of community mental health programs to receive state grants. These rules shall set standards for the qualifications of personnel and the quality of professional services in the community mental health programs;

II. Evaluate local programs and make recommendations regarding those programs to the board of directors;

III. Provide consultative staff service to communities to assist in ascertaining local needs, and in planning and establishing community mental health programs; and

IV. Prepare and administer the state plan for comprehensive mental health services in accordance with federal laws applicable to community mental health centers.

12 Rulemaking. Amend RSA 134:4 as amended by striking out said section and inserting in place thereof the following:

134:4 Powers of the Director. The director, division of mental health and developmental services, shall engage a director and staff members for the home, and, subject to the rules of the state personnel commission, employees as he deems necessary for the home and clinics. He shall adopt rules pursuant to RSA 541-A relative to the management of the home and clinics and all persons connected with the home or clinics, and for the admission, care and treatment of children at the home or clinics.

13 Rulemaking. Amend RSA 135-A:2 as inserted by 1957, 215:1 by striking out said section and inserting in place thereof the following:

135-A:2 Administrator. Pursuant to the compact, the governor is hereby authorized to designate an officer who shall be the compact administrator and who, acting jointly with like officers of other party states, shall have power to adopt rules relative to the effective administration of the compact. The compact administrator is hereby authorized and directed to cooperate with all departments, agencies and officers of this state and its subdivisions in the proper administration of the compact and in the administration of any supplementary agreement or agreements entered into by this state under the compact.

14 Rulemaking. Amend RSA 135-B:2, XIX (supp) as inserted by 1973, 556:1 as amended by striking out said paragraph and inserting in place thereof the following:

XIX. Whenever in any rule adopted under the authority of RSA 135-B pursuant to RSA 541-A or in printed forms prepared by or prepared for the division, the terms insane, insanity, lunatic, lunacy, mentally sick, mental sickness, mentally diseased or mental disease shall appear, they all mean "mentally ill" or "mental illness" as defined by RSA 135-B:2, XI.

15 Rulemaking. Amend RSA 135-B:15 (supp) as inserted by 1973, 556:1 as amended by striking out said section and inserting in place thereof the following:

135-B:15 Withdrawal from Treatment Program. Subject to the provisions of RSA 135-B:16, any person admitted for care

on a voluntary basis has the right to withdraw completely from the treatment program prescribed for him at any time between 9 a.m. and 5 p.m. not including weekdays and holidays. In addition, a person admitted for care on a voluntary basis has the right to withdraw from any specific form of treatment. The director shall adopt rules pursuant to RSA 541-A relative to the right of those under the age of majority who have been admitted for care on a voluntary basis as to withdrawing completely from the entire program prescribed or withdrawing from any specific form of treatment. Any person withdrawing from a treatment program, in whole or in part, shall sign a waiver of treatment certificate witnessed by 2 staff members of the facility stating that such withdrawal is being made against medical advice, if such is the case. Such waiver will become a part of the patient's clinical history.

16 Rulemaking; Eliminate Conditional Discharge. Amend RSA 135-B:39 as inserted by 1973, 556:1 as amended by striking out said section and inserting in place thereof the following:

135-B:39 Discharge by Administrator. When any person has been involuntarily admitted pursuant to RSA 135-B:26-41, the administrator of the facility may at any time grant an absolute discharge to the person with the consent of a psychiatrist of the division who has examined the person sought to be discharged within 3 days of the absolute discharge order, provided that the patient is no longer in need of care under the rules as adopted by the director. The administrator shall, in writing, immediately notify the court entering the original order of commitment that the person has been given an absolute discharge from the facility. Upon receipt of the notice, the court shall make the notice part of the person's file and shall enter the fact of discharge and the date upon the docket.

17 Rulemaking. Amend RSA 135-B:45 as inserted by 1973, 556:1 by striking out said section and inserting in place thereof the following:

135-B:45 Patient Communications. Every patient has the right to communicate freely and privately with persons outside the facility, unless it is determined that this legitimate and lawful communication has harmed and will harm others. Each patient shall be allowed to receive and send sealed, unopened, and uncensored correspondence, and no patient's incoming or outgoing correspondence shall be opened, delayed, held, or censored by the facility unless there is substantial reason

to believe that it contains items or substances which may be harmful to the patient or others. In those cases the professional person in charge may direct reasonable examination of the correspondence and may regulate the disposition of harmful items or substances. Each patient has the right to have visitors and to have access to telephones, provided, however, that the director shall adopt rules under RSA 541-A governing the use of telephones and visiting procedures. If a patient's right to communicate is restricted by an administrator or a professional person in charge, written notice of such restriction will be served on the patient and representative. The restriction shall be recorded on the patient's clinical history with the patient that support the restriction and the specific act or actions by the patient that support the restriction. Any restriction on a patient's right to communicate shall lapse 7 days after its imposition unless the professional person in charge or administrator specifically renews the restriction, following the procedure required by this section.

18 Rulemaking. Amend RSA 135-B:47 as inserted by 1973, 556:1 by striking out said section and inserting in place thereof the following:

135-B:47 Rulemaking. The director shall adopt rules pursuant to RSA 541-A to carry out the provisions of this chapter.

19 Rulemaking; Eliminate Reference to Advisory Commission. Amend RSA 135-B:48 as inserted by 1973, 556:1 by striking out said section and inserting in place thereof the following:

135-B:48 Limitation. Rules adopted under RSA 135-B:47 by the director shall be reviewed periodically by the commissioner, but shall remain in full force unless amended or repealed.

20 Rulemaking. Amend RSA 171-A:2, I-a and I-b (supp) as inserted by 1979, 322:5 by striking out said paragraphs and inserting in place thereof the following:

I-a. "Area" means a geographic region established by rules adopted by the director for the purpose of providing services to developmentally impaired persons.

I-b. "Area agency" means an entity established as a non-profit corporation in the state of New Hampshire which is established by rules adopted by the director to provide services to developmentally impaired persons in the area.

21 Rulemaking. Amend RSA 171-A:3 as inserted by 1975, 242:1 by striking out said section and inserting in place thereof the following:

171-A:3 Rulemaking. The director of mental health and developmental services shall adopt rules pursuant to RSA 541-A to implement this chapter.

22 Rulemaking. Amend RSA 171-A:6, I and II (supp) as inserted by 1975, 242:1 as amended by striking out said paragraphs and inserting in place thereof the following:

I. A person seeking service shall make application in accordance with rules adopted by the director to the area agency in his appropriate geographic region as designated by rule pursuant to RSA 171-A:2, I-b.

II. A comprehensive screening evaluation, coordinated by the staff of the area agency, shall determine the scope of the person's disability and the locus and nature of services to be provided. The director shall adopt rules pursuant to RSA 541-A relative to the evaluation. The evaluation shall include, but not be limited to, a physical examination and individual intellectual assessment and functional behavior scales and shall take into account the provisions of and services established under RSA 186-A.

23 Rulemaking. Amend RSA 171-A:5, V as inserted by 1975, 242:1 by striking out said paragraph and inserting in place thereof the following:

V. The director shall adopt rules pursuant to RSA 541-A establishing hearing procedures to determine the appropriateness of placement which is challenged by the client or his attorney or family.

24 Rulemaking. Amend RSA 171-A:9 as inserted by 1975, 242:1 by striking out said section and inserting in place thereof the following:

171-A:9 Residential Placement

I. The director shall adopt rules pursuant to RSA 541-A relative to clients in residential placements, including but not limited to such matters as restraint and seclusion, duration of placement and procedures for temporary separations such as home visits.

II. Restraint or seclusion may be used only in cases of emergency such as the occurrence or serious threat of extreme violence, personal injury or attempted suicide.

25 Rulemaking. Amend RSA 171-A:11, IV as inserted by 1975, 242:1 by striking out said paragraph and inserting in place thereof the following:

IV. The director shall adopt rules pursuant to RSA 541-A relative to the conduct of the review and the personnel who shall carry out the review.

26 Rulemaking. Amend RSA 171-A:12, I as inserted by 1975, 242:1 by striking out said paragraph and inserting in place thereof the following:

I. There shall be an individual service plan for every client in the service delivery system. Under the supervision of the administrator, the staff of the program in which a client is placed shall develop a preliminary written individual service plan based upon a comprehensive screening evaluation established under RSA 171-A:6 for such client within 14 days after placement. The individual service plan shall be continually reviewed by the administrator or his designee and shall be modified if necessary. The director shall adopt rules pursuant to RSA 541-A relative to the development of such individual service plans for all levels of mental retardation.

27 Rulemaking. Amend RSA 171-A:14, V as inserted by 1975, 242:1 by striking out said paragraph and inserting in place thereof the following:

V. The director may adopt rules pursuant to RSA 541-A relative to the protection of the rights, dignity, autonomy, and integrity of clients, including specific procedures to protect the rights established in this chapter.

28 Rulemaking. Amend RSA 171-A:17, II(c) as inserted by 1975, 242:1 by striking out said subparagraph and inserting in place thereof the following:

(c) adopting rules, pursuant to RSA 541-A, relative to the protection and implementation of the rights of clients;

29 Rulemaking. Amend RSA 171-A:18, I (supp) as inserted by 1979, 322:7 by striking out said paragraph and inserting in place thereof the following:

I. The director may designate by rules adopted pursuant to RSA 541-A for each area one area agency which shall be responsible for administering area-wide programs and services for developmentally impaired persons. Each area agency so designated shall be the primary recipient of funds that may be dispensed by the director for use in establishing, operating or administering such programs and services. The programs

and services for which an area agency is responsible include, but are not limited to, diagnosis and evaluation, case management, community living arrangements, sheltered workshops, work activity programs, day care, and programs designed to enhance personal and social competence.

30 Rulemaking. Amend RSA 415:18-a, IV (supp) as inserted by 1975, 349:1 as amended by striking out said paragraph and inserting in place thereof the following:

IV. In the case of policies or certificates providing benefits for hospital and medical expenses on a major medical basis, benefits shall be subject to deductibles and coinsurance at least as favorable as those which apply to the benefits for any other illness, provided that benefits payable for expenses incurred in any consecutive 12-month period may be limited to an amount not less than \$3,000 per covered individual, and to a lifetime maximum of not less than \$10,000 per covered individual. In this paragraph, covered major medical expenses include the reasonable charges for services and treatment on an inpatient, outpatient or partial hospitalization basis by a psychiatrist, a psychologist, a licensed pastoral counselor, a licensed general hospital, a public or licensed mental hospital, or a community mental health center approved according to rules adopted by the director of mental health and developmental services, department of health and welfare.

31 Rulemaking. Amend RSA 419:5-a, III (supp) as inserted by 1975, 349:2 as amended by striking out said paragraph and inserting in place thereof the following:

III. In the case of policies or certificates providing benefits for hospital expenses on a major medical basis, benefits shall be subject to deductibles and coinsurance at least as favorable as those which apply to the benefits for any other illness, provided that benefits payable for expenses incurred in any consecutive 12-month period may be limited to an amount not less than \$3,000 per covered individual, and to a lifetime maximum of not less than \$10,000 per covered individual. If such a policy or certificate is issued jointly with a medical service corporation licensed under RSA 420 or a health service corporation licensed under RSA 420-A, the limit on benefits payable for expenses incurred by any covered individual in any consecutive 12-month period and the limit on lifetime benefits may apply to the total benefits for mental illnesses

and emotional disorders provided under such policy or certificate for such individual. In this paragraph, covered major medical expenses include the reasonable charges for services and treatment on an inpatient, outpatient or partial hospitalization basis by a licensed general hospital, a public or licensed mental hospital, or a community mental health center approved according to rules adopted by the director of mental health and developmental services, department of health and welfare; except that such expenses may exclude charges arising from the professional services of a psychiatrist or a psychologist or a licensed pastoral counselor who customarily bills patients directly rather than to a hospital or community mental health center.

32 Repeal. The following are hereby repealed:

I. RSA 126-A:10 relative to additional departmental duties.

II. RSA 126-A:28 relative to abolishing the commission of mental health.

III. RSA 126-A:29 relative to abolishing trustees of Laconia state school.

IV. RSA 135:35 relative to commission on mental health.

33 Effective Date. This act shall take effect upon its passage.

Amendment adopted. Ordered to third reading.

HB 170-FN, creating the health and welfare oversight committee. Ought to pass with amendment. Sen. Roy for the committee.

SEN. ROY: HB 170-FN does not renew the health and welfare advisory commission. What it does is to set up an oversight committee of three Senate members and three House members who will perform an oversight and review of the Department of Health and Welfare, including the three divisions. The duties that we have specified in our Senate amendment are that they shall review the federal financial participation of funding as well as state funding, to determine the impact on programs and services within the Department of Health and Welfare. We are all cognizant of the fact that there are going to be many changes coming down from the federal government relative to funding of human service programs and since these block grants are quite a mystery to us at this point we feel that it is imperative that a legislative oversight

committee work along with the department to understand what these reviews are. If there is a need for state statutes changes or amendments or what-have-you that these then will be brought in the form of a report to the Senate President and the House Speaker for the next biennium.

Amendment to HB 170-FN

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

creating the health and welfare
oversight committee.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Oversight Committee Established. Amend RSA 126-A:8 as inserted by 1961, 222:1 as amended by striking out said section and inserting in place thereof the following:

126-A:8 Oversight Committee; Establishment.

I. There shall be an oversight committee on health and welfare consisting of 6 members as follows:

(a) 3 members of the senate appointed by the president of the senate;

(b) 3 members of the house appointed by the speaker of the house.

II. Membership on the oversight committee shall be for the biennium and shall be coterminous with membership in the general court.

2 Organization and Compensation. Amend RSA 126-A:8-a as inserted by 1965, 352:4 by striking out said section and inserting in place thereof the following:

126-A:8-a Organization and Compensation. The oversight committee shall have a chairman who shall be chosen by vote from among the committee membership. His term of office shall be for the biennium. The committee shall have a clerk who shall be chosen by vote by the members of the committee. His term of office shall be for the biennium. The committee shall meet not less frequently than quarterly and at such other

times as it may be convened by the call of the chairman. On the petition of any 3 members or at the request of the commissioner, it shall be the duty of the chairman to convene the committee forthwith. The members of the committee shall receive legislative mileage, when in performance of their duties.

3 Duties. Amend RSA 126-A:9 as inserted by 1961, 222:1 as amended by striking out said section and inserting in place thereof the following:

126-A:9 Oversight Committee; Duties. The committee shall:

I. Review federal financial participation, as adopted by the Congress of the United States, and the level of state funding, as adopted in the budget, to determine the impact on the programs and services of the department of health and welfare.

II. Review the administrative process under which federal financial participation and state funding is being managed within the department of health and welfare.

III. Review applicable federal law, federal regulations, state statutes and state rules under which the department of health and welfare is authorized to provide services and recommend changes in state statutes and rules as may be necessary in order to comply with any changes in the federal law and federal regulations.

IV. Review state statutes relating to rules of the department of health and welfare relative to resocialization of the mentally ill and developmentally impaired with particular emphasis upon the care of individuals who live in the community and recommend changes in state statutes and rules as deemed advisable by the committee.

V. Submit a report in each October preceding the regular biennial legislative session to the president of the senate and the speaker of the house. The report shall describe the activities and recommendations of the committee and shall be a public document.

4 Transfer. All the records and property of the advisory commission on health and welfare are hereby transferred to the commissioner of the department of health and welfare.

5 Appeal Process Changed. Amend RSA 151:8 as amended by striking out said section and inserting in place thereof the following:

151:8 Rehearings and Appeals.

I. Should the division determine to deny, suspend, or revoke a license, it shall send to the applicant or licensee, by registered mail, a notice setting forth the particular reasons for the determination. The denial, suspension, or revocation shall become final 30 days after the mailing of the notice, unless the applicant or licensee requests a rehearing under paragraph II of this section.

II. Any applicant or licensee aggrieved by a decision of the division to deny, suspend or revoke a license may appeal to the commissioner of the department of health and welfare. The commissioner may affirm, deny or modify the decision of the division. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to procedures for the appeal process provided under this paragraph.

III. Rehearings and appeals from a decision of the commissioner shall be in accordance with RSA 541.

6 Eliminate Reference to Advisory Commission. Amend RSA 126-A:6 as inserted by 1961, 222:1 as amended by striking out said section and inserting in place thereof the following:

126-A:6 Directors of Divisions. There shall be a director of the division of public health services who shall be a physician licensed or eligible for licensure in New Hampshire and who shall have a masters degree in public health, or its equivalent, from an accredited school of public health; a director of the division of welfare who shall be duly qualified through training at an accredited school of social services with emphasis in public welfare administration and at least 3 years experience in the field of public welfare; and a director of the division of mental health and developmental services who shall be a physician-psychiatrist licensed or eligible for licensure as an M.D. in New Hampshire and certified or eligible for certification by the American Board of Neurology and Psychiatry. Each director shall be responsible for the administrative and executive direction of his respective division, subject to the approval of the commissioner. Each shall be appointed by the governor and council from 2 or more nominees or, if agreeable to the governor, a lesser number of candidates nominated by the commissioner of health and welfare. Each shall hold office for a term of 4 years from the date of his appointment and until his successor is appointed and qualified. Each may, in his discretion, establish advisory committees to assist

him in developing divisional programs and policies. The provisions of RSA 21:33-a shall not apply to appointments made under this section.

7 Eliminate Reference to Advisory Commission. Amend RSA 141-A:2, I(c) (supp) as inserted by 1979, 339:1 by striking out said subparagraph and inserting in place thereof the following:

(c) A disease, condition, or procedure relating to public health which is determined by the director to be of particular concern or importance as a critical health problem in this state, being in need of greater research, study and statistical analysis.

8 Eliminate Reference to Advisory Commission. Amend RSA 151:9, I (supp) as amended by striking out said paragraph and inserting in place thereof the following:

I. The director of the division of public health services, department of health and welfare, may adopt rules, pursuant to RSA 541-A, relative to:

- (a) Standards for licensing facilities under this chapter;
- (b) Exemptions from licensing requirements;
- (c) License application requirements;
- (d) License expiration dates;
- (e) Inspections;
- (f) Procedures for denying, suspending and revoking licenses; and
- (g) Fees for witnesses at hearings.

9 Eliminate Reference to Advisory Commission. Amend RSA 138-A:3 (supp) as inserted by 1970, 4:1 as amended by striking out said section and inserting in place thereof the following:

138-A:3 Administration.

I. The director of the division of mental health and developmental services within the department of health and welfare shall be a corporation, known as director, Glenclyff home for the elderly with power to sue upon any contract to which it is by law authorized to be a party and to manage and control the property and concerns of the Glenclyff home for the elderly.

II. The director of the division of mental health and developmental services, after consultation with the commissioner of health and welfare, shall nominate 2 or more persons duly qualified through training or experience to serve as superintendent of the Glenclyff home for the elderly. From those

nominated, the governor and council shall appoint a superintendent who shall serve for a term of 4 years and until his successor is appointed and qualified. Any vacancy shall be filled for the full 4 year term in the same manner as the original appointment.

III. The superintendent shall be responsible for the administrative and executive direction of the Glencliff home for the elderly. The provisions of RSA 21:33-a shall not apply to appointments made under this section.

IV. The director of the division of mental health and developmental services shall also, in accordance with the state personnel regulations, and within the limits of available appropriations and funds, appoint such assistants as he may, from time to time, deem necessary or proper; take and hold in trust for the state any grant, devise, bequest or donation of property for the use of the Glencliff home for the elderly for the maintenance or help of any resident or residents therein; and adopt, with the approval of the commissioner of health and welfare, such bylaws and rules pursuant to RSA 541-A, as he may deem necessary or proper for the management of the business affairs and the government of the Glencliff home for the elderly. The commissioner of health and welfare, as authorized by RSA 126-A:2, may carry out such transfers as are necessary to implement the foregoing provisions.

10 Eliminate Reference to Tuberculous Patients. Amend RSA 138-A:1 as inserted by 1970, 4:1 by striking out said section and inserting in place thereof the following:

138-A:1 Declaration and Purpose. The purpose of this chapter is to establish a home for the elderly residents of the New Hampshire hospital.

11 Repeal. RSA 126-A:2, I relative to failure of a member to attend meetings of the advisory commission is hereby repealed.

12 Repeal. RSA 126-A:4, II relative to recommendations by the advisory commission is hereby repealed.

13 Repeal. RSA 135-B:2, III relative to the advisory commission is hereby repealed.

14 Repeal. RSA 138-A:4, II relative to the support of tuberculous patients is hereby repealed.

15 Repeals. The following sections are hereby repealed:

I. RSA 126-A:9-a relative to the board of appeals of the advisory commission;

II. RSA 126-A:9-b relative to the budget and appropriation of the advisory commission;

III. RSA 126-A:28 relative to the abolition of the commission on mental health;

IV. RSA 126-A:32 relative to the abolition of the tuberculosis commission;

V. RSA 126-A:33 relative to the hospital advisory council;

VI. RSA 138-A:7 relative to transfer of tuberculous patients;

VII. RSA 138-A:8 relative to contracts for transferred tuberculous patients;

VIII. RSA 151:15 relative to judicial review;

IX. RSA 151:11 relative to the functions of the advisory commission; and

X. RSA 152:5 relative to advisory councils.

16 Effective Date. This act shall take effect July 1, 1981.

Amendment adopted. Ordered to third reading.

HB 104, relative to restricted licenses. Ought to pass. Sen. Lamontagne for the committee.

SEN. LAMONTAGNE: This bill is one that should have been passed a few years ago, but somehow some of the doctors felt that the present license that we now have, that the law is too strict because there are many people who cannot drive in the evening but can drive in the daytime. So therefore, what this bill does is it allows a special license which they call a restricted license. The American Legion is in favor of this bill. Many eye doctors are in favor of this bill. At the same time Commissioner Flynn and Deputy Sweeney are in favor of this restricted license bill. It is a very good bill and certainly it is going to help some of our senior citizens who cannot drive in the evening and would be able to drive during the daytime.

Adopted. Ordered to third reading.

ANNOUNCEMENTS

SUSPENSION OF RULES

Sen. Brown moved that the rules of the Senate be so far sus-

pending as to allow all bills to be placed on third reading and final passage and all titles be the same as adopted and that they be passed at the present time.

Adopted.

Third Reading and Final Passage

HB 61, relative to the reporting of bear killed.

HB 345, relative to oil spillage in public waters.

SB 73, reinstating the corporate charter of Newfound Acres, Inc.

SB 62, exempting certain candidates from the provision of RSA 658:24 and 659:58.

HB 11, making appropriations for the modification of the Mount Washington summit building and to make it accessible for handicapped persons and for the completion of necessary repairs and drainage improvement at the state prison and relative to call provisions in state bonds and the issuance of refunding bonds.

HB 97, making an appropriation for capital improvements.

HB 425-FN, relative to supplemental appropriations to various departments and agencies, changing the maximum number of off-sale liquor permits allowed, increasing the registration fee for interstate common carriers, providing for the lapsing of interest and the accumulated balance of the contribution fund to the general fund, providing an appropriation for food, fuel and utilities, providing an appropriation for the purchase of state police vehicles and providing a special education formula.

SB 46, relative to the regulation of lobbyists.

SB 69, increasing the interest rate of housing authority bonds.

HB 414, authorizing borrowing by the Lamprey regional solid waste cooperative.

HB 168-FN, relative to sunset review of the division of mental health.

HB 170-FN, creating the health and welfare oversight committee.

HB 104, relative to restricted licenses.

Adopted.

RECONSIDERATION

Sen. Sanborn moved reconsideration of HB 425-FN.
Motion lost.

Sen. Conley spoke under Rule 44.

SEN. CONLEY: During the debate on HB 425 a statement was made by this Senator to the effect that a meeting of the Governor's special task force on the handicapped had not yet been called. Senator Rice graciously responded that he also was not aware of such a happening. Subsequent to the debate Senator Preston presented both of us with a copy of a letter which indicates that a meeting has been called. The date of the letter was April 6. I have not yet received my mail to that issue, I picked my mail up today and it was not there. Mr. President, I would like to apologize to the members of this Senate for giving inaccurate information and thank Senator Preston for his setting the record straight.

VACATE

Sen. Freese moved that SB 145 be vacated from the committee on Judiciary and referred to the committee on Insurance.

Adopted.

Sen. Brown moved that the Senate now recess for the sole purpose of introduction of Senate Bills until 4:00 p.m. on Friday, April 10, 1981 and that no requests for drafting may be received by legislative services after 5:00 p.m. today April 9, 1981 and further that at 4:00 p.m. Friday we adjourn until 1:00 p.m. Tuesday, April 14, 1981.

Adopted.

Recessed at 3:25 p.m.

Adopted.

Out of Recess.

INTRODUCTION OF SENATE BILLS

Senator Sanborn moved the following resolution:

Resolved, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 1-4 and 201 through 313-FN, plus CACR 6 through CACR 14 and SCR 8, SCR 9, SJR 3 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

First and Second Reading and Referral

SB 1, reapportioning the state senate districts. (Sen. Monier, Dist. 9; Sen. Brown, Dist. 20; Sen. Sanborn, Dist. 17 — To Special Committee for Apportionment)

SB 2, reapportioning the executive council districts. (Sen. Monier, Dist. 9; Sen. Brown, Dist. 20 — To Special Committee for Apportionment)

SB 3, reapportioning the New Hampshire congressional districts. (Sen. Monier, Dist. 9; Sen. Brown, Dist. 20; Sen. Sanborn, Dist. 17 — To Special Committee for Apportionment)

SB 4, relative to the legal representation of indigent persons. (Sen. Monier, Dist. 9; Sen. Roy, Dist. 22; Sen. Sanborn, Dist. 17; Sen. Freese, Dist. 4; Sen. Podles, Dist. 16 — To Judiciary)

SB 201, increasing the oil transfer fee from \$.01 per barrel to \$.015 per barrel. (Sen. Hough, Dist. 5; Rep. Lamott, Grafton Dist. 6 — To Development, Recreation and Environment)

SB 202, relative to deputizing airport managers as law enforcement officers. (Sen. Bergeron, Dist. 6 — To Public Affairs)

SB 203, to promote the development of the domestic wine industry in New Hampshire. (Sen. Freese, Dist. 4; Sen. Bergeron, Dist. 6; Rep. Lemire, Coos Dist. 8 — To Ways and Means)

SB 204-FN, making appropriations to expand the nursing programs at the technical institute and at the vocational-technical colleges. (Sen. Blaisdell, Dist. 10; Sen. Lessard, Dist. 21; Sen. Kelly, Dist. 14 — To Education)

SB 205, prohibiting fraudulent communications paraphernalia. (Sen. Hough, Dist. 5 — To Public Affairs)

SB 206-FN, making changes in the liability for expenses for a delinquent minor. (Sen. Boyer, Dist. 13; Sen. Lessard, Dist. 21; Rep. Tamposi, Hillsborough Dist. 16; Rep. Robie, Hillsborough Dist. 20; Rep. Kaklamanos, Hillsborough Dist. 21; Rep. Bosse, Hillsborough Dist. 1; Sen. Champagne, Dist. 20; Sen. Stephen, Dist. 18; Sen. Stabile II, Dist. 12; Sen. Monier, Dist. 9; Sen. Roy, Dist. 22; Sen. Sanborn, Dist. 17; Sen. Brown, Dist. 19; Sen. Freese, Dist. 4; Sen. Podles, Dist. 16; Sen. Conley, Dist. 3 — To Judiciary)

SB 207-FN, making changes in the disposition of a delinquent minor. (Sen. Boyer, Dist. 13; Sen. Lessard, Dist. 21; Rep. Tamposi, Hillsborough Dist. 16; Rep. Robie, Hillsborough Dist. 20; Rep. Kaklamanos, Hillsborough Dist. 21; Rep. Bosse, Hillsborough Dist. 1; Sen. Stephen, Dist. 18; Sen. Stabile II, Dist. 12; Sen. Monier, Dist. 9; Sen. Roy, Dist. 22; Sen. Freese, Dist. 4; Sen. Sanborn, Dist. 17; Sen. Brown, Dist. 19; Sen. Conley, Dist. 3; Sen. Champagne, Dist. 20 — To Judiciary)

SB 208, making changes relative to publication of delinquency. (Sen. Boyer, Dist. 13; Sen. Lessard, Dist. 21; Rep. Tamposi, Hillsborough Dist. 16; Rep. Robie, Hillsborough Dist. 20; Rep. Kaklamanos, Hillsborough Dist. 21; Rep. Bosse, Hillsborough Dist. 1; Sen. Champagne, Dist. 20; Sen. Stephen, Dist. 18; Sen. Stabile II, Dist. 12; Sen. Roy, Dist. 22; Sen. Monier, Dist. 9; Sen. Freese, Dist. 4; Sen. Sanborn, Dist. 17; Sen. Brown, Dist. 19; Sen. Conley, Dist. 3 — To Judiciary)

SB 209, to permit the seizure of an OHRV when it is being unlawfully operated by a minor. (Sen. Blaisdell, Dist. 10; Rep. Baybutt, Cheshire Dist. 16; Rep. Gordon, Cheshire Dist. 9 — To Public Affairs)

SB 210, requiring a juvenile charged with committing certain offenses within 12 months after having been found to have committed any of these offenses to be charged as a delinquent. (Sen. Blaisdell, Dist. 10; Rep. Baybutt, Cheshire Dist. 16; Rep. Lane, Cheshire Dist. 15; Rep. Gordon, Cheshire Dist. 9 — To Judiciary)

SB 211, permitting fines on children in need of services who have committed certain offenses. (Sen. Blaisdell, Dist. 10; Rep. Baybutt, Cheshire Dist. 16; Rep. Lane, Cheshire Dist. 15; Rep. Gordon, Cheshire Dist. 9; Rep. Rouillard, Cheshire Dist. 12 — To Judiciary)

SB 212, making a minor's contempt of any court order relating to a child in need of services an act of delinquency. (Sen. Blaisdell, Dist. 10; Rep. Baybutt, Cheshire Dist. 16 — To Judiciary)

SB 213, establishing treble damages for civil actions arising from improper hazardous waste disposal. (Sen. Boyer, Dist. 13; Rep. Robie, Hillsborough Dist. 20 — To Development, Recreation and Environment)

SB 214, to establish a penalty for the violation of laws relative to mobile home parks. (Sen. Boyer, Dist. 13; Rep. Robie, Hillsborough Dist. 20; Sen. Splaine, Dist. 24 — To Judiciary)

SB 215-FN, prohibiting the Cheshire county attorney from engaging in the private practice of law. (Sen. Blaisdell, Dist. 10 — To Judiciary)

SB 216, relative to the membership and election of charter commissions and the effective date of charter revisions. (Sen. Podles, Dist. 16 — To Public Affairs)

SB 217, relative to false impersonation of state investigators. (Sen. Boyer, Dist. 13; Rep. Robie, Hillsborough Dist. 20 — To Judiciary)

SB 218, relative to the regulation of odometer disclosure. (Sen. Boyer, Dist. 13; Rep. Robie, Hillsborough Dist. 20 — To Transportation)

SB 219, to permit the retail sale of bulk petroleum on a temperature corrected basis. (Sen. Mann, Dist. 11 — To Transportation)

SB 220, to authorize a Rockingham county personnel commission. (Sen. Roy, Dist. 22; Rep. Boucher, Rockingham Dist. 3 — To Executive Departments)

SB 221, to permit towns to establish trust funds for certain public purposes. (Sen. Roy, Dist. 22 — To Public Affairs)

SB 222, providing for a 1982 referendum in the city of Berlin to permit water commissioners to be appointed on a nonpartisan basis. (Sen. Lamontagne, Dist. 1; Rep. Guay, Coos Dist. 5; Rep. Theriault, Coos Dist. 9; Rep. Brideau, Coos Dist. 6; Rep. Brungot, Coos Dist. 8; Rep. Valliere, Coos Dist. 6 — To Public Affairs)

SB 223, relative to regulation of garbage carriers. (Sen. Sanborn, Dist. 17; Sen. Podles, Dist. 16 — To Public Affairs)

SB 224, relative to mortgages on manufactured housing. (Sen. Roy, Dist. 22; Sen. Podles, Dist. 16; Rep. Crory, Grafton Dist. 13; Sen. Boyer, Dist. 13 — To Banks)

SB 225-FN, permitting towns to levy a hazardous waste tipping fee. (Sen. Boyer, Dist. 13; Sen. Wiggins, Dist. 8; Rep. Kaklamanos, Hillsborough Dist. 21; Rep. Tamposi, Hillsborough Dist. 16; Sen. Lessard, Dist. 21; Rep. Robie, Hillsborough Dist. 20; Sen. Splaine, Dist. 24 — To Development, Recreation and Environment)

SB 226, requiring financial disclosure by all members of the general court. (Sen. Boyer, Dist. 13; Rep. Kaklamanos, Hillsborough Dist. 21; Rep. Robie, Hillsborough Dist. 20; Sen. Splaine, Dist. 24 — To Internal Affairs)

SB 227, relative to domestic violence. (Sen. Roy, Dist. 22 — To Public Institutions, Health and Welfare)

SB 228-FN, amending the meals tax as applied to vending machines. (Sen. Sanborn, Dist. 17; Sen. Freese, Dist. 4; Sen. Lamontagne, Dist. 1 — To Public Affairs)

SB 229, relative to domestic mutual fire or casualty insurance companies not qualified to issue nonassessable policies. (Sen. Rice, Dist. 15 — To Insurance)

SB 230, removing the interest rate and other limitations on money borrowed by the city of Concord for its school district. (Sen. Rice, Dist. 15 — To Public Affairs)

SB 231, relative to recording certain probate information in the registry of deeds and notifying selectmen and assessors. (Sen. Brown, Dist. 19; Rep. Romoli, Rockingham Dist. 16 — To Judiciary)

SB 232, extending the study commission for an impact survey on the removal of advertising devices and the appropriation therefor. (Sen. Sanborn, Dist. 17 — To Internal Affairs)

SB 233, permitting the financing of commercial facilities by the industrial development authority. (Sen. Boyer, Dist. 13; Rep. Spirou, Hillsborough Dist. 27 — To Internal Affairs)

SB 234, to increase the minimum limits of motor vehicle liability insurance for bodily injury and to provide fair and reasonable compensation to citizens of New Hampshire injured by uninsured motorists. (Sen. Champagne, Dist. 20 — To Insurance)

SB 235, clarifying planning board procedures on the approval or disapproval of plats. (Sen. Blaisdell, Dist. 10 — To Public Affairs)

SB 236, authorizing the division of public health services to prescribe metabolism tests for newborns. (Sen. Blaisdell, Dist.

10; Rep. Russell, Cheshire Dist. 13 — To Public Institutions, Health and Welfare)

SB 237, relative to adoption records. (Sen. Boyer, Dist. 13; Rep. Nemzoff-Berman, Hillsborough Dist. 18 — To Public Institutions, Health and Welfare)

SB 238, relative to limited use designations for Class VI highways. (Sen. Blaisdell, Dist. 10 — To Transportation)

SB 239, relative to requiring frontage on class V or better highways for the issuance of building permits. (Sen. Blaisdell, Dist. 10 — To Development, Recreation and Environment)

SB 240, amending and clarifying the law relating to site plan review by planning boards. (Sen. Blaisdell, Dist. 10 — To Development, Recreation and Environment)

SB 241, authorizing cities and towns to adopt innovative approaches to zoning. (Sen. Blaisdell, Dist. 10 — To Public Affairs)

SB 242, relative to certain fire insurance contracts. (Sen. Blaisdell, Dist. 10 — To Insurance)

SB 243, relative to investing state pension funds in home mortgage markets. (Sen. Bergeron, Dist. 6; Sen. Brown, Dist. 19; Sen. Freese, Dist. 4; Sen. Monier, Dist. 9; Sen. Sanborn, Dist. 17 — To Internal Affairs)

SB 244-FN, relative to evaluation of teachers, supervisors and administrators. (Sen. Sanborn, Dist. 17; Sen. Freese, Dist. 4; Sen. Monier, Dist. 9; Sen. Wiggins, Dist. 8; Sen. Chandler, Dist. 7 — To Education)

SB 245, concerning a statewide public school system performance evaluation. (Sen. Sanborn, Dist. 17; Sen. Monier, Dist. 9; Sen. Freese, Dist. 4 — To Education)

SB 246, relative to the use of force in defense of premises. (Sen. Conley, Dist. 3; Sen. Sanborn, Dist. 17; Sen. Monier, Dist. 9; Sen. Wiggins, Dist. 4 — To Internal Affairs)

SB 247, setting a flexible judgment interest rate and requiring interest on damage awards to be computed from the date of injury. (Sen. Monier, Dist. 9 — To Judiciary)

SB 248-FN, allowing departing state employees to withdraw their retirement contributions sooner. (Sen. Lessard, Dist. 21 — To Finance)

SB 249-FN, to require instruction in the productive free enterprise system as a prerequisite to high school graduation. (Sen. Sanborn, Dist. 17; Sen. Freese, Dist. 4; Sen. Wiggins, Dist. 8; Sen. Chandler, Dist. 7; Sen. Monier, Dist. 9 — To Education)

SB 250-FN, relative to vending services in certain New Hampshire state parks. (Sen. Wiggins, Dist. 8 — To Development, Recreation and Environment)

SB 251-FN, providing full retirement credit for employee members of group I of the New Hampshire retirement system for each year of service prior to July 1, 1977 and prior to age 62. (Sen. Rice, Dist. 15 — To Finance)

SB 252-FN, to permit the establishment of a system for the sale of pari-mutuel pools by telephone. (Sen. Lamontagne, Dist. 1; Rep. Snell, Grafton Dist. 4; Rep. Eaton, Cheshire Dist. 11 — To Ways and Means)

SB 253-FN, providing cost of living increases to teachers retired prior to 1957. (Sen. Blaisdell, Dist. 10 — To Finance)

SB 254-FN, relative to periodic revaluation of property. (Sen. Chandler, Dist. 7; Rep. Hardy, Belknap Dist. 1 — To Executive Departments)

SB 255-FN, relative to service charges on support payments collected by the board of probation. (Sen. Stepehn, Dist. 18; Sen. Champagne, Dist. 20 — To Judiciary)

SB 256-FN, establishing service charges for certain collections made through the board of probation. (Sen. Stephen, Dist. 18; Sen. Champagne, Dist. 20 — To Judiciary)

SB 257-FN, authorizing lifetime fish and game licenses. (Sen. Sanborn, Dist. 17 — To Development, Recreation and Environment)

SB 258-FN, relative to jury selection and service. (Sen. Champagne, Dist. 20; Rep. Carswell, Hillsborough Dist. 13; Rep. Wood, Rockingham Dist. 22; Rep. Lewis, Merrimack Dist. 4 — To Judiciary)

SB 259-FN, relative to guardianship proceedings. (Sen. Champagne, Dist. 20; Sen. Roy, Dist. 22; Rep. Hanson, Belknap Dist. 5 — To Judiciary)

SB 260-FN, relative to state employees receiving a service retirement allowance after 30 years of creditable service. (Sen. Brown, Dist. 19; Sen. Monier, Dist. 9 — To Internal Affairs)

SB 261-FN, relative to the taxation of money deferred under the public employees deferred compensation plan. (Sen. Champagne, Dist. 20 — To Insurance)

SB 262-FN, establishing procedures for special guardianships. (Sen. Wiggins, Dist. 8; Sen. Champagne, Dist. 20 — To Public Institutions, Health and Welfare)

SB 263-FN, relative to certain retirement pay and unemployment compensation benefits. (Sen. Podles, Dist. 16 – To Insurance)

SB 264-FN, relative to the youth development center. (Sen. Kelly, Dist. 14 – To Public Institutions, Health and Welfare)

SB 265-FN, relative to the New Hampshire incentive program. (Sen. Lessard, Dist. 21; Rep. Boucher, Rockingham Dist. 3 – To Education)

SB 266-FN, establishing a fire standards and training commission for the administration of the fire service training and research program. (Sen. Wiggins, Dist. 8; Sen. Lessard, Dist. 21 – To Education)

SB 267-FN, lowering the minimum penalty for unlawful operation of a motor vehicle by an habitual offender. (Sen. Wiggins, Dist. 8 – To Transportation)

SB 268-FN, relative to retaining a percentage of money due contractors on state contracts. (Sen. Sanborn, Dist. 17 – To Finance)

SB 269-FN, increasing certain motor vehicle registration fees. (Sen. Bergeron, Dist. 6 – To Ways and Means)

SB 270-FN, making certain revisions and adjustments in motor vehicle fees. (Sen. Bergeron, Dist. 6; Sen. Sanborn, Dist. 17; Sen. Blaisdell, Dist. 10 – To Ways and Means)

SB 271-FN, legalizing the meeting of the Monadnock regional school district held March 7, 1981. (Sen. Mann, Dist. 11; Sen. Blaisdell, Dist. 10 – To Education)

SB 272-FN, concerning property tax exemptions for property equipped with alternative energy sources. (Sen. Rice, Dist. 15 – To Development, Recreation and Environment)

SB 273-FN, permitting municipalities to reject state mandates if adequate state funding is not supplied. (Sen. Sanborn, Dist. 17; Sen. Blaisdell, Dist. 10; Sen. Kelly, Dist. 14; Sen. Chandler, Dist. 7; Sen. Conley, Dist. 3; Sen. Podles, Dist. 16; Sen. Monier, Dist. 9; Sen. Freese, Dist. 4; Sen. Wiggins, Dist. 8 – To Ways and Means)

SB 274-FN, relative to the salary of the deputy clerk of the Nashua district court. (Sen. Champagne, Dist. 20 – To Judiciary)

SB 275-FN, relative to procedures for defendants alleged to be incompetent or who plead not guilty by reason of insanity. (Sen. Champagne, Dist. 20 – To Judiciary)

SB 276-FN, providing for the recovery by counties of amounts expended in aid of certain paupers. (Sen. Rice, Dist. 15; Sen. Roy, Dist. 22 – To Executive Departments)

SB 277-FN, providing for the recovery by towns of amounts expended in aid of certain paupers. (Sen. Rice, Dist. 15; Sen. Roy, Dist. 22 – To Public Institutions, Health and Welfare)

SB 278-FN, relative to the expansion of promotion for the state parks. (Sen. Kelly, Dist. 14; Sen. Wiggins, Dist. 8 – To Development, Recreation and Environment)

SB 279-FN, relative to zoning of manufactured housing. (Sen. Roy, Dist. 22; Sen. Podles, Dist. 16; Sen. Boyer, Dist. 13; Sen. Sanborn, Dist. 17; Rep. Gage, Rockingham Dist. 5 – To Development, Recreation and Environment)

SB 280-FN, establishing a voucher plan for private school students. (Sen. Chandler, Dist. 7 – To Education)

SB 281-FN, permitting the financing of outdoor recreational facilities by the industrial development authority and expanding the definition of industrial facility to include waste conversion facilities. (Sen. Freese, Dist. 4 – To Insurance)

SB 282-FN, relative to the transfer of prison guards at county jails and houses of correction from group I to group II of the New Hampshire retirement system. (Sen. Lessard, Dist. 21 – To Judiciary)

SB 283-FN, revising the percentage of certain fines and forfeitures used in funding the district courts. (Sen. Splaine, Dist. 24 – To Judiciary)

SB 284-FN, to permit the issuance of liquor licenses to college clubs. (Sen. Mann, Dist. 11; Sen. Blaisdell, Dist. 10; Rep. Riley, Cheshire Dist. 10 – To Education)

SB 285-FN, establishing a state employee productivity incentive program. (Sen. Freese, Dist. 4 – To Internal Affairs)

SB 286-FN, relative to the sale of prison products and their purchase by state institutions. (Sen. Roy, Dist. 22; Rep. Granger, Hillsborough Dist. 13 – To Public Institutions, Health and Welfare)

SB 287-FN, creating the New Hampshire municipal bond bank educational institutions bond financing act. (Sen. Brown, Dist. 19 – To Internal Affairs)

SB 288-FN, relative to tax warrants and extents. (Sen. Champagne, Dist. 20 – To Executive Departments)

SB 289, providing for the purchase of a state liquor store on Coliseum Avenue in Nashua and making an appropriation there-

for. (Sen. Boyer, Dist. 13; Sen. Stabile II, Dist. 12; Rep. Wallace, Hillsborough Dist. 22; Sen. Kelly, Dist. 14; Rep. Robie, Hillsborough Dist. 20; Rep. Donovan, Hillsborough Dist. 24; Rep. Tamposi, Hillsborough Dist. 16 — To Internal Affairs)

SB 290, providing that joint committees be made up of equal numbers of members from the senate and the house. (Sen. Monier, Dist. 9; Sen. Brown, Dist. 19; Sen. Preston, Dist. 23 — To Internal Affairs)

SB 291-FN, establishing an interim committee to study controls for off highway recreational vehicles and making an appropriation therefor. (Sen. Wiggins, Dist. 8; Sen. Freese, Dist. 4 — To Development, Recreation and Environment)

SB 292, naming the twin bridges over the Connecticut river on interstate 93 between the town of Littleton, New Hampshire and Waterford, Vermont for Senator Andrew W. Poulsen. (Sen. Lamontagne, Dist. 1; Sen. Mann, Dist. 11 — To Transportation)

SB 293, relative to the definition of moped. (Sen. Lessard, Dist. 21 — To Transportation)

SB 294, relative to the duration of alimony orders. (Sen. Lamontagne, Dist. 1 — To Judiciary)

SB 295, prohibiting losers in partisan primaries from running by filing nomination papers. (Sen. Conley, Dist. 3; Sen. Sanborn, Dist. 17; Sen. Roy, Dist. 22; Sen. Monier, Dist. 19; Sen. Podles, Dist. 16 — To Executive Departments)

SB 296, relative to enterprise zones. (Sen. Conley, Dist. 3; Sen. Lamontagne, Dist. 1; Sen. Monier, Dist. 9 — To Internal Affairs)

SB 297, to establish a commission to study the ramifications of the state's assumption of FICA obligations for state employees. (Sen. Bergeron, Dist. 6; Sen. Sanborn, Dist. 17; Sen. Lamontagne, Dist. 1 — To Finance)

SB 298, relative to eviction of hotel guests. (Sen. Lamontagne, Dist. 1 — To Public Affairs)

SB 299, relative to off-sale liquor permits. (Sen. Blaisdell, Dist. 10; Sen. Mann, Dist. 11; Sen. Hough, Dist. 5; Sen. Wiggins, Dist. 8; Sen. Freese, Dist. 4 — To Internal Affairs)

SB 300, authorizing towns and cities to enact rent control legislation. (Sen. Splaine, Dist. 24; Rep. Read, Rockingham Dist. 23; Sen. Rice, Dist. 15 — To Executive Departments)

SB 301, requiring standard notice requirements for reductions in coverage in all fire, liability, and motor vehicle liability

insurance policies. (Sen. Lamontagne, Dist. 1; Rep. Burns, Coos Dist. 4 — To Insurance)

SB 302-FN, to establish a residential care facility for the placement of children in need of services and making an appropriation therefor. (Sen. Champagne, Dist. 20; Sen. Blaisdell, Dist. 10 — To Public Institutions, Health and Welfare)

SB 303, restricting the percentage of an agency budget spent during the last 2 months of the fiscal year. (Sen. Chandler, Dist. 7; Sen. Freese, Dist. 4; Sen. Lamontagne, Dist. 1; Sen. Conley, Dist. 3; Sen. Sanborn, Dist. 17; Sen. Monier, Dist. 9; Sen. Wiggins, Dist. 8; Sen. Podles, Dist. 16 — To Executive Departments)

SB 304-FN, requiring agencies to report annually on their use of consultants. (Sen. Podles, Dist. 16; Sen. Roy, Dist. 22; Sen. Mann, Dist. 11; Sen. Sanborn, Dist. 17; Sen. Conley, Dist. 3; Sen. Monier, Dist. 9 — To Executive Departments)

SB 305, providing for the bonding of motor vehicle brokers. (Sen. Mann, Dist. 11 — To Transportation)

SB 306, relative to cruelty to animals. (Sen. Rice, Dist. 15 — To Development, Recreation and Environment)

SB 307, relative to the regulation of business practices between motor vehicle manufacturers, distributors, and dealers. (Sen. Blaisdell, Dist. 10; Sen. Brown, Dist. 19 — To Transportation)

SB 308-FN, concerning property exempt from taxes and core service charges and making an appropriation therefor. (Sen. Blaisdell, Dist. 10 — To Executive Departments)

SB 309, relative to regulation of physicians and surgeons. (Sen. Conley, Dist. 3 — To Public Institutions, Health and Welfare)

SB 310, authorizing jitney operations. (Sen. Monier, Dist. 9; Sen. Sanborn, Dist. 17 — To Transportation)

SB 311, relative to corporal punishment in the schools. (Sen. Monier, Dist. 9; Sen. Sanborn, Dist. 17 — To Education)

SB 312, to increase the penalty for the murder of certain public officials. (Sen. Monier, Dist. 9; Sen. Sanborn, Dist. 17 — To Judiciary)

SB 313-FN, providing for the acquisition of certain racing plants by the state and permitting greyhound races on Sunday by agreement. (Sen. Blaisdell, Dist. 10; Sen. Brown, Dist. 19 — To Finance)

CACR 6, relative to the right to bear arms. (Sen. Conley, Dist. 3; Sen. Wiggins, Dist. 8; Rep. Dickinson, Carroll Dist. 2; Rep. Bosse, Hillsborough Dist. 1; Rep. Heath, Carroll Dist. 2; Sen. Brown, Dist. 19; Sen. Freese, Dist. 4; Sen. Sanborn, Dist. 17; Sen. Mann, Dist. 11; Sen. Stabile II, Dist. 12; Sen. Roy, Dist. 22; Sen. Blaisdell, Dist. 10; Sen. Champagne, Dist. 20; Sen. Podles, Dist. 16; Sen. Lamontagne, Dist. 1; Sen. Monier, Dist. 9; Sen. Kelly, Dist. 14; Sen. Chandler, Dist. 7; Sen. Stephen, Dist. 18 — To Internal Affairs)

CACR 11, relating to the state mandating and assigning programs and responsibilities to towns, and other political subdivisions. (Sen. Chandler, Dist. 7; Rep. Granger, Hillsborough Dist. 13 — To Internal Affairs)

CACR 12, relating to a limitation on state and local taxation and spending increases. (Sen. Chandler, Dist. 7; Rep. Granger, Hillsborough Dist. 13 — To Executive Departments)

CACR 13, absent a knowing and intelligent waiver, no person may be imprisoned for any offense unless represented by counsel at trial. (Sen. Monier, Dist. 9; Sen. Sanborn, Dist. 17; Sen. Freese, Dist. 4; Sen. Wiggins, Dist. 8 — To Judiciary)

CACR 14, relating to the provision of counsel to indigent defendants at state expense. (Sen. Monier, Dist. 9; Sen. Sanborn, Dist. 17; Sen. Freese, Dist. 4; Sen. Roy, Dist. 22; Sen. Wiggins, Dist. 8 — To Judiciary)

SCR 8, requesting the commissioner of resources and economic development to name the Nansen Ski Jump after Alf Haverson. (Sen. Lamontagne, Dist. 1 — To Development, Recreation and Environment)

SCR 9, urging the Congress of the United States to amend the United States Constitution to prohibit federally mandated programs without federal funds. (Sen. Chandler, Dist. 7; Rep. Granger, Hillsborough Dist. 13 — To Internal Affairs)

SJR 3, establishing the small business development programs of the University System of New Hampshire as the coordinating agency of educational activities directed towards assisting and encouraging the expansion of the small business sector of the economy of the state of New Hampshire and for all purposes and making an appropriation therefor. (Sen. Mann, Dist. 11; Sen. Blaisdell, Dist. 10 — To Education)

NOTICE

The following names are additional sponsors to the following bills.

SB 268-FN, relative to retaining a percentage of money due contractors on state contracts. (Sen. Sanborn, Dist. 17; Sen. Monier, Dist. 9; Sen. Kelly, Dist. 14; Sen. Stabile II, Dist. 12; Sen. Podles, Dist. 16; Sen. Mann, Dist. 11; Sen. Conley, Dist. 3; Sen. Roy, Dist. 22; Sen. Wiggins, Dist. 8; Sen. Brown, Dist. 19, Sen. Freese, Dist. 4; Sen. Champagne, Dist. 20; Sen. Hough, Dist. 5; Sen. Chandler, Dist. 7; Sen. Stephen, Dist. 18; Sen. Bergeron, Dist. 4; Sen. Lessard, Dist. 21; Sen. Lamontagne, Dist. 1 — To Finance)

SB 206-FN, making changes in the liability for expenses for a delinquent minor. (Sen. Kelly, Dist. 14)

SB 207-FN, making changes in the disposition of a delinquent minor. (Sen. Kelly, Dist. 14)

SB 208, making changes relative to publication of delinquency. (Sen. Kelly, Dist. 14)

SB 289, providing for the purchase of a state liquor store on Coliseum avenue in Nashua and making an appropriation therefor. (Rep. Kaklamanos, Hillsborough Dist. 21)

The following list of sponsors are additional sponsors to Senate Bill 292, naming the twin bridges over the Connecticut river on Interstate 93 between the towns of Littleton, New Hampshire and Waterford, Vermont for Senator Andrew W. Poulsen.

Sen Conley, Dist. 3; Sen. Freese, Dist. 4; Sen. Hough, Dist. 5; Sen. Bergeron, Dist. 6; Sen. Chandler, Dist. 7; Sen. Wiggins, Dist. 8; Sen. Monier, Dist. 9; Sen. Blaisdell, Dist. 10; Sen. Stabile, Dist. 12; Sen. Boyer, Dist. 13; Sen. Kelly, Dist. 14; Sen. Rice, Dist. 15; Sen. Podles, Dist. 16; Sen. Sanborn, Dist. 17; Sen. Stephen, Dist. 18; Sen. Brown, Dist. 19; Sen. Champagne, Dist. 20; Sen. Lessard, Dist. 21; Sen. Roy, Dist. 22; Sen. Preston, Dist. 23; and Sen. Splaine, Dist. 24.

Sen. Sanborn moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, and that when we adjourn, we adjourn to Tuesday, April 14, 1981 at 1:00 p.m.

Adopted.

LATE SESSION

Sen. Chandler moved to adjourn at 4:10 p.m.

Adopted.

Tuesday, April 14, 1981

The Senate met at 1:00 p.m.

A quorum was present.

Sen. Sanborn excused by the Chair.

The prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

May we offer ourselves this day, to You Lord, to be ambassadors of good will and good works.

Let this season of Spring fill our hearts and minds with joy as we look forward toward the fulfillment of nature's gifts and the beauty thereof!

So may we in our own ways fulfill the necessities and achieve the needs of our times.

Amen

Sen. Bergeron in the Chair.

Senator Boyer led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

HOUSE MESSAGES

HOUSE CONCURS

SB 22, relative to relocation payments as a result of persons displaced from their property for highway development.

HOUSE CONCURS WITH SENATE AMENDMENT

HB 81, providing for the disposal of personalty from state agency storage rooms.

HB 84, relative to information sharing where arson is suspected.

COMMITTEE REPORTS

SB 92-FN, changing the qualifying dates of service for the veterans' exemption. Ought to pass. Sen. Podles for the committee.

SEN. PODLES: December 22, 1961, this is a date that is used by the American Legion and the Veterans' Administration. There was no opposition to the bill and the committee recommends ought to pass.

Adopted. Ordered to third reading.

SB 115, permitting cities and towns to make bylaws relative to the operation of pinball machines. Ought to pass. Sen. Podles for the committee.

SEN. PODLES: SB 115 is a very simple bill. It authorizes cities and towns to adopt ordinances relative to the operation of pinball machines. There was no opposition and the committee recommends ought to pass.

Adopted. Ordered to third reading.

HB 325-FN, relative to premium finance companies. Ought to pass. Sen. Champagne for the committee.

SEN. CHAMPAGNE: This bill would make premium financing companies subject to regulation by the Insurance Department. Under current statutes there are a lot of premiums being financed and some insurance companies are using that particular structure to get out of regulation. This bill would pull them into regulation by the insurance commissioner and also provide for a licensing law for premium financing companies.

Adopted. Ordered to third reading.

HB 318, relative to the amount of insurance which need be carried on mortgaged property. Ought to pass with amendment. Sen. Freese for the committee.

SEN. FREESE: SB 318 changes the amount of insurance to be carried by some of the property owners. There has been a tendency to have the insurance cover the mortgage which is more than the actual buildings, it includes the land. This bill rectifies that situation so that the insurance only covers the fire insurance property. There is an amendment which is included in today's calendar starting on page 11. It includes supervisory powers and the words "in the New Hampshire fire policy" which gives the administration of the bill more teeth. The committee recommends it ought to pass with no objection in the hearing and it was unanimously voted out of committee.

Amendment to HB 318

Amend RSA 477:29(b) as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

(b) The words "statutory conditions," except as otherwise specifically stated in the mortgage, shall mean: "Provided, nevertheless, that if the mortgagor, his heirs, executors and administrators, successors and assigns shall pay unto the mortgage or his executors, administrators, successors or assigns the principal and interest secured by the mortgage, shall perform any and each obligation provided in the note or other instrument secured by the mortgage, until such payment and performance shall pay when due and payable all taxes, charges and assessments for which the property mortgaged may become liable, shall keep the buildings on said premises insured against perils insured in the New Hampshire standard fire policy in a sum equal to that portion of the amount secured by the mortgage allocable to said buildings, or as otherwise provided therein, for the benefit of the mortgagee and his executors, administrators, successors and assigns in such form as he or they shall approve, deliver the policies therefor to him or them, and shall not commit or suffer any strip or waste of the mortgaged premises, or any breach of any covenant in said mortgage, then this mortgage deed shall be void."

Amendment adopted. Ordered to third reading.

HB 24, removing jurisdiction of county personnel committees in removal hearings involving death. Ought to pass. Sen. Chandler for the committee.

SEN. CHANDLER: This is a House bill which seems to make very good sense and the committee thought so. It concerns county removal of discharge hearings as handled by the county personnel committee. However, once in a while they have a removal or discharge hearing that there was a death involved. The county personnel committee doesn't feel qualified or able or they don't want to handle those hearings. This would provide that the superior court would handle the hearing in any case involving a death. The committee thought this was a good bill and it was unanimous that it ought to pass. There was no opposition.

SEN. ROY: What is the makeup of your personnel committee in the county?

SEN. CHANDLER: I don't know what the makeup of the county personnel committee is. I don't know if every county has a personnel committee or not. The personnel committee is a committee that was set up to set standards for the hiring and firing of people.

SEN. WIGGINS: It is compromised of the delegation chairman, the vice chairman and the finance committee chairman.

Adopted. Ordered to third reading.

HB 56, modifying the crime of being in the presence of an illegal controlled drug. Ought to pass. Sen. Lessard for the committee.

SEN. LESSARD: The Judiciary Committee took testimony from House members, this is a House bill, and we found that a similar statute that is on the books in six jurisdictions has run into trouble. In three of the six jurisdictions the State Supreme Court struck down the statute as unconstitutional and in the other three jurisdictions made major changes to comply to this law. What this does is, if somebody comes into my home with marijuana, let's say, and you knock on my door as a neighbor, you can be in violation of being

knowingly in the presence of marijuana just by walking in at the wrong time. What the law does is make me responsible, because it's my jurisdiction, it's my home. The same would be true if it were my car. But it does not make bystanders in violation of the statute.

Adopted. Ordered to third reading.

HB 58, updating several portions of the statutes to conform to current practice or law. Ought to pass. Sen. Splaine for the committee.

SEN. SPLAINE: This is another House bill that unanimously was approved by the committee. It updates the language and the statutes concerning domestic relations, burials, and vital statistics and health statistics. Specifically it changes those authorized to certify a marriage, updates the wording on the seal of the registrar of vital records and health statistics, adds a clarifying phrase concerning void marriages and several other items which the committee considered housekeeping.

Adopted. Ordered to third reading.

SB 41, authorizing the commitment of minors found delinquent to the youth development center or other appropriate detention facility. Interim study. Sen. Splaine for the committee.

SEN. SPLAINE: This is a tough report to make on this bill. Right now, under current law, the only place the court can send a youth for detention is to the youth development center. This bill would provide that it would be possible to send a youth to a detention facility other than the youth development center. The only problem is, right now in New Hampshire, there is no facility, at least that I know of and I don't think that anybody else knows of, that you can commit a youngster other than the youth development center. The bill was so written as to at least lead to the possibility that you could commit a youngster to a county facility, I'm talking about a county jail. There was testimony against the bill. The meritorious part of the bill is that there should be a facility other than the youth development center that you

could send a youngster to and detain him. The only problem is there is no such facility right now in the state of New Hampshire and that's why the committee's recommendation to refer the bill to interim study. We think it has merit and we think it should be looked at. If anybody can come up with a facility to detain youths other than the YDC we think that is fine and that is where they should be sent. The only problem being that right now there is no such facility in the state of New Hampshire.

SEN. LAMONTAGNE: What about these places like they have now where some of the youths have been put into these halfway houses?

SEN. SPLAINE: They come out of YDC and might go into a halfway house. That's a youth that has already been detained and is referred to that kind of facility. We are talking here about an alternative to the YDC. We are not talking about a halfway house, we are talking about a facility other than the YDC that a judge could send a youngster to and detain him. There is no such facility right now. A judge can't detain a youth to a halfway house, they might go to a halfway house after they come out of the YDC but the judge can't detain him to a halfway house. And a halfway house cannot detain a youngster. If a youngster is sent to a halfway house and he decides to leave and walks out the front door, he's gone. It's not a detention center. We are talking about a detention center such as the YDC or a jail.

SEN. LAMONTAGNE: But Senator, you're mentioning that there isn't any places. I say that we've got halfway houses and I think it's a very good place for some of these youngsters to go to.

SEN. SPLAINE: But a halfway house is not a detention center. If you send a youngster to a halfway house and the youngster decides "I'm leaving tonight", there is nothing you can do, they just walk out the front door and they are gone. We are talking about a detention center, not a halfway house. A detention center implies you keep somebody despite their will and you can't keep someone in a halfway house who decides at eight o'clock that night that they want to leave, they are going to leave. It's not a detention center, and that's what we are talking about here. An actual jail, a place where you can keep a youngster. The YDC is the only place right now, to my knowledge.

SEN. BLAISDELL: Obviously, this is my bill. The city of Keene and the people that I represent, Senate District 10, thought enough of this problem to introduce a piece of legislation. I agree with the Senator from the 20th District, Sen. Champagne. We've discussed this for the last two or three weeks, he's held it in his committee to see if we could come up with some kind of an idea and the only one that I have been able to come up with is to send this to interim study. We have a problem. I think that by studying the bill, I'm sorry we had to do it this way, having it go through the bill process but it's the only way I know. No one has been addressing this problem in the state of New Hampshire up until now. It is a deep, serious problem for the youths of this state. I feel that if we can send this to interim study, I don't think that is where it will die, I think that a good interim study committee will study this bill and come up with some answers. I ask you to send it to interim study.

Adopted.

SB 49, relative to sentences for the felonious use of firearms. Ought to pass. Sen. Chandler for the committee.

SEN. CHANDLER: This is a bill which if a person commits some offense and in committing that offense he makes use of a firearm or has one in his possession that in the first offense he commits in addition to what he gets for a sentence or punishment for the actual crime he committed, this would add on and make it a class B felony if you had a gun. If he commits another offense and has a gun, the second time it would be a class A felony, and that in addition to what the original crime would entail in the way of punishment. The committee voted ought to pass.

Adopted. Ordered to third reading.

SB 59-FN, relative to the illegal sale of controlled drugs. Ought to pass. Sen. Champagne for the committee.

SEN. CHAMPAGNE: This bill is not unlike a bill that was passed in the Senate in the last session. The bill provides for stiff penalties for drug pushing. The only different part about

it is there is a section in the bill that talks about counterfeit substances and makes it illegal for people to push nondrug items as a drug item. That is the only change that wasn't in the bill the last time. The rest of it provides stiff penalties for anybody dealing in drugs and I don't think I have to speak to anyone on that subject. I urge your support.

Adopted. Ordered to third reading.

SB 88-FN, relative to the regulation of detective and security services. Ought to pass. Sen. Chandler for the committee.

SEN. CHANDLER: This is a bill that was requested by the State Police and was introduced by the honorable Sen. Mann who is not here today. It's a good bill, it is kind of a housekeeping bill. It adds one new thing and that is that employees of a company who hire their own security people have to be licensed under this bill but they don't have to pay a fee. Other detective agencies or security agencies that are not in-house, they have to be licensed and pay a fee. It changes some of the wording in the present law and there was no opposition to it. The committee voted unanimously that it ought to pass.

Sen. Lamontagne moved that SB 88 be made a special order of business at 1:01, Thursday, April 16, 1981.

Adopted.

SB 48, providing mandatory extended sentences for persons convicted of crimes against the elderly or handicapped. Ought to pass with amendment. Sen. Champagne for the committee.

SEN. CHAMPAGNE: The bill as the caption implies provides mandatory sentences for certain crimes committed on the elderly. There is an amendment in the calendar, the amendment is of a technical nature only. In drafting this, certain crimes that were very minor got included in the bill. For example, it became a crime with a three year sentence to walk across somebody's lawn if the owner of that piece of land turned out to be over sixty-five, which is kind of ridiculous, you have no way of knowing who's lawn you are crossing over, not

that you should cross over anybody else's lawn. We took those items out and that's all that the amendment does. The rest of the bill stays as is. We recommend passage.

Amendment to SB 48

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Crimes Against the Elderly. Amend RSA 651 by inserting after section 6 the following new section:

651:6-a Crimes Against the Elderly or Handicapped. An additional minimum mandatory sentence of 3 years imprisonment shall be imposed on any person subject to sentencing under this chapter for any felony set out in RSA 631:1 or 2; RSA 632-A; RSA 633; RSA 635; RSA 636; RSA 637:1, 2, 3, 4, 5, 7 or 9; or RSA 638:1, 2, 4 or 5, against any person who is 60 years of age or older or who is a handicapped person as defined in RSA 275-C:1. Such sentence shall be served prior to any sentence imposed for any of the listed crimes and shall not be reduced below the stated minimum period, served concurrently with any other term, suspended, or subjected to the provisions of RSA 651 relative to parole.

Amendment adopted. Ordered to third reading.

Senator Monier in the Chair.

ANNOUNCEMENTS

COMMITTEE APPOINTMENT

The Chair appoints Senators Brown, Monier, Conley and Sanborn to the Reapportionment Committee. Two additional members of the Minority will be announced.

SEN. MONIER: Three reapportionment bills have been referred to the Reapportionment Committee. No such committee existed at the time of the session. For you new members and those of you who were here at the time of the last session, if you turn to the Journal you will find that we passed an amendment, I think unanimously in the Senate, a Reappor-

tionment Committee would be established in which there would be, and I believe it was adequate representation for the Minority. In short, it is a partisan affair. I didn't quote the words. At this point the chair is about to appoint the Republican membership of that reapportionment and I am inquiring or asking the Minority leader to submit to me tonight two members, and I will appoint them. I want you to understand that that is not a change in rules or anything else, it's a matter of courtesy and one which Sen. Preston had asked me and I have acquiesced to and with no acquiescence at all. The four members of the Republican, and there will be two Democrat members, the four Republicans are myself, the Majority leader, the assistant Majority leader and Sen. Sanborn, the President Pro-Tem. There will be two members from the Democrat Minority membership, which I would ask the Minority leader to inform me who they are and I will announce them from the Chair. I will be glad to do it now if you want to give me a piece of paper, or they will be announced in the Journal or in the Calendar.

Senator Blaisdell spoke under Rule 44.

SEN. BLAISDELL: I would like to have the press take notice of this please. My name is Sen. Clesson Blaisdell, I'm a democrat from Keene. I do not have a relative from Exeter named Rep. Robert Blaisdell. I have gotten more hell because of that guy since he's come to this legislature. I've got more devil since I've come to this legislature since he's been here. Yesterday in the Union Leader it was Sen. Clesson Blaisdell who did not show up for a hearing on raising the legislative mileage. I have never done that. I have never held a press conference on my own. They have called me about the press conferences that I have been holding. I haven't had any. Now, Bob Blaisdell is one nice person, but would you please distinguish between the two of us. I come from Keene and he comes from Exeter. I will not be responsible for the bills that he puts in and he should not be responsible for my bills. I would want a retraction if the Union Leader is here, since they are always interested in that "Nothing so powerful as the truth." For God sake, will you print it just this one time.

Senator Brown moved the following resolution:

Senator Brown moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills ordered to third reading be read a third time by this resolution and that all titles be the same as adopted, and that they be passed at the present time; and that when we adjourn, we adjourn until Thursday, April 16, 1981 at 1:00 p.m.

Adopted.

LATE SESSION

Third Reading and Final Passage

HB 325-FN, relative to premium finance companies.

HB 318, relative to the amount of insurance which need be carried on mortgaged property.

HB 24, removing jurisdiction of county personnel committees in removal hearings involving death.

HB 56, modifying the crime of being in the presence of an illegal controlled drug.

HB 58, updating several portions of the statutes to conform to current practice or law.

SB 49, relative to sentences for the felonious use of firearms.

SB 59-FN, relative to the illegal sale of controlled drugs.

SB 48, providing mandatory extended sentences for persons convicted of crimes against the elderly or handicapped.

SB 92-FN, changing the qualifying dates of service for the veterans' exemption.

SB 115, permitting cities and towns to make bylaws relative to the operation of pinball machines.

Adopted.

Sen. Brown moved the Senate adjourn at 2:05 p.m.

Adopted.

Thursday, April 16, 1981

The Senate met at 1:00 p.m.

A quorum was present.

The prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

May the message of this Holy Week strengthen our faith and establish within us a degree of humbleness as we celebrate the Last Supper on Maundy Thursday and our Lord's Crucifixion on Good Friday — and look forward with joy to His glorious Resurrection on Easter Day.

May the blessings of this Eastertide be upon you and yours.

Amen

Senator Rice's daughter, Kari, led the Pledge of Allegiance.
Sen. Champagne is excused by the Chair.

INTRODUCTION OF GUESTS

Introduction of Resolution by Manchester delegation: Senators Sanborn, Podles, Stephen, to the Manchester Central High School sports teams.

HOUSE MESSAGE

The House is ready to meet with the Honorable Senate in Joint Convention for the purpose of hearing our honorable U.S. Senator Warren Rudman.

Adopted.

Recess to Joint Convention.
Out of Recess.

RECONSIDERATION

Senator Conley served notice of reconsideration on HB 56.

COMMITTEE APPOINTMENT

The Chair appoints Senators Lessard, Champagne and Preston as Minority members to the Reapportionment Committee.

SUSPENSION OF RULES

Sen. Sanborn moved that the rules of the Senate be so far suspended as to allow a public hearing on SB 297 on Monday, April 20, 1981 without the necessary two days notice in the calendar.

Adopted.

COMMITTEE REPORTS

SB 139, relative to deregulation of the interest charged on second mortgage home loans and rulemaking authority with regard to second mortgage home loans. Ought to pass with amendment. Sen. Freese for the committee.

SEN. FREESE: I was asked to introduce this bill which I was happy to do for the finance companies. It is a deregulation bill on second mortgages. It puts the finance company into a position where they can compete with the banks which are nonregulated in this area, and it makes money available to the consumers on second mortgages. There is also an amendment that has to do with bridged loans which are loans that are made to people who own a home and get moved and go to buy a new home. It concerns the schedule of payments. It is a good amendment. There was no opposition to this bill and the committee is voting it out as ought to pass with amendment.

SEN. BLAISDELL: Sen. Freese I think explained it. It is an excellent piece of legislation. No one spoke against it I understand and I can agree that this is a good piece of legislation for the people of New Hampshire. It will make some money available for those people. I heartily endorse it.

Amendment to SB 139

Amend RSA 398-A:2 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

398-A:2 Interest and Interest Rates.

I. The allowable rate of interest computed on the unpaid balance that any person may directly or indirectly charge, take

or receive for a second mortgage loan secured by property which is occupied in whole or in part at the time said loan is made as a home by any obligor on the mortgage debt or by any person granting or releasing any interest under said mortgage shall be the rate agreed upon in the note between borrower and lender, and following the sixth month of any period in which a loan has been in continuous default not more than 1½ percent per month on any unpaid balances.

II. Notwithstanding any other provisions of this chapter the charges which may be collected on any loan made under this chapter for the period beginning 6 months after the originally scheduled final installment date of a loan other than an open-end loan, or for the period beginning 6 months after the final due date of an open-end loan as established by the term applicable to the loan from time to time in accordance with the open-end note or loan agreement and ending with date of payment of the loan in full shall not exceed 18 percent per annum simple interest on the balances outstanding from time to time during said period. If the loan is an open-end loan the borrower's privilege for further loans shall not be reinstated by the licensee where the rate has been reduced under the preceding sentence unless the borrower executes a new open-end loan agreement.

III. The borrower shall have the right to anticipate his debt in whole or in part at any time without being required to pay a penalty to the lender therefor. When an open-end loan agreement providing for advances from time to time by the licensee exists between the borrower and the licensee, monthly loan payments shall be selected by the borrower as stated in the note or open-end agreement.

IV. The aggregate of the amount of money or value actually received or held at the time of the loan, plus the sum of all existing indebtedness of the borrower to the lender shall for the purposes of this chapter be deemed the amount of the loan. Except where the borrower agrees in writing to a different application of his payments, in cases where partial payments are made, the interest shall be calculated to the time of payment, and such payment shall first be applied to interest, and the balance thereafter remaining, if any, shall be applied to principal. The maximum interest shall include all sums paid, directly or indirectly by or on behalf of the borrower to the lender for interest, brokerage, commissions, services, extension or loan, forbearance to enforce payment or otherwise for making or

securing the loan, not including, however, sums the lender may require the borrower to pay or reimburse the lender for actual recording, insurance and foreclosure costs, for actual charges incurred for the examination of the title and the marketability and appraisal of the security for the loan, for the drafting of the security instruments or documents, and, when such services are utilized, reasonable attorney fees not paid to a salaried employee for collecting the debt or realizing upon the security.

V. A licensee may retain any security interest in real property on an open-end loan until the open-end account is terminated, provided that if there is no outstanding balance in the account and there is no commitment by the licensee to make advances, the licensee shall within 10 days following written demand by the borrower deliver to the borrower a release of the mortgage or a request for reconveyance of the deed of trust on the real property taken as security.

VI. Except for loans repayable in a single payment with a specified due date, no loan shall be scheduled in other than substantially equal installments payable in monthly installments; provided, however, the first payment period for such loans may exceed one month by not more than 15 days.

Amendment adopted. Ordered to third reading.

SB 195, relative to the interest chargeable by credit unions and the LaCaisse Populaire Ste-Marie or St. Mary's Bank on unpaid loan balances. Inexpedient to legislate. Sen. Freese for the committee.

SEN. FREESE: This bill was introduced by Sen. Champagne and before the committee hearing started he asked that this bill be reported out inexpedient to legislate for the reason that there is this same exact bill coming from the House. It is already started and we will be receiving it in due time and there is not much point in having two exact bills from both Houses. So we are reporting this out inexpedient to legislate.

Adopted.

SB 148, decreasing the number of dwelling units required for residential housing projects to be appropriate for savings banks investments. Inexpedient to legislate. Sen. Stabile for the committee.

SEN. STABILE: The committee met and voted inexpedient to legislate. The reason being that presently savings banks, if they would like to invest as a joint venture or partner in a housing development or land development, the development must either offer some benefit to the town in the form of improving a blighted area, redevelopment, or be over 48 housing units in size. The reason for this is a risk factor. It was attempted to lower this to twenty units in size which in essence would have allowed banks to become a partner with almost any level of development occurring in the state. The committee met and voted it inexpedient to legislate.

Adopted.

SB 198, relative to liquidity of cooperative banks, savings and loan associations and building and loan associations. Ought to pass. Sen. Freese for the committee.

SEN. FREESE: This bill was introduced by Sen. Lamontagne. There was no objection to this bill. It is a bill that reduces the reserve of certain banks that they must maintain, from not less than 5 percent of the amount of their deposits in cash to not less than 3 percent. The not less than 5 percent is set by the bank commissioner. It also increases the total federal funds that may be sold under the same section, from 5 to 10 percent. This allows the cooperative banks to improve their earnings at no risk to their assets. It also makes more money available. The committee is reporting this out as ought to pass.

Adopted. Ordered to third reading.

Sen. Sanborn in the Chair.

SB 119-FN, relative to sunset review of the New Hampshire municipal bond bank. Ought to pass. Sen. Freese for the committee.

SEN. FREESE: This was introduced by Sen. Roy from District 22. It was left off a previous bill, overlooked, it went through and it provides the New Hampshire municipal bond bank will terminate on July 1, 1985, under the sunset review,

according to the termination schedule. I defer any other further information to Sen. Roy if she would like to speak on the bill.

Adopted. Ordered to third reading.

HB 1, requiring complete fiscal responsibility in the decommissioning of nuclear electric generating facilities by operating utilities. Ought to pass. Sen. Kelly for the committee.

SEN. KELLY: HB 1 provides a means for assuring sufficient monies being available for the decommissioning of any nuclear electric facility in New Hampshire. It places the responsibility for the decommissioning on the owner or owners of said facility and provides a tax exempt method of collecting monies from the rate payers who benefit from the electricity generated during the energy producing life of the facility. It would not take effect until such facility is commissioned and would last then through the duration. I would note that the Public Service Company appeared in favor of this bill. The committee recommends ought to pass.

SEN. PRESTON: I am not going to prepare an adverse report against this. I really have no substantiated reason for opposing the bill. It's just a gut feeling I've had that at this time I'm not prepared to vote in the affirmative for it. The sponsor spent a lot of time on this. It has not been done by other states but I'm not as convinced as others are that there is a need for facing up to this problem now. I don't share that feeling though this doesn't allow for the collection of money and payments until the month that the facility is placed in service. I personally don't see the need at this time and I am going to vote in the negative.

SEN. BERGERON: Senator, isn't this basically the same bill that we acted upon in the last session and the arguments were also the very same thing, that at this point until you get something on line, why are we worrying about the decommissioning? Do you not agree that until we have that plant on-line, why should we be worrying about this?

SEN. PRESTON: Well, they say it is something we should put in place, Senator. The announcement the other day said that the first part of the facility wouldn't be on-line until 1984. I don't see the need now. I have reluctance about this

bill. The bill as I read it wouldn't allow the collection until it is placed into service. So I must say that is locked in there. But I just don't want to do anything that at this time could result in additional charges, even down the road, psychologically, for the consumer. It's the same bill that we had, as far as I know, and I think I voted against it then.

SEN. BERGERON: If we elected, in our wisdom, to vote against this pending bill, we are absolutely not detracting in any way from them collecting the charges for decommissioning if we should wait for the 1983 or 1985 session. Do you see it that way?

SEN. PRESTON: You could defer enactment until that time. You wouldn't be deferring anything because nothing is going to happen between now and then even if you passed this bill today. I guess the question would be, you could enact it in the next legislative session and you wouldn't be hurting anyone.

SEN. BERGERON: Or the one thereafter.

SEN. PRESTON: Or the one thereafter.

SEN. BLAISDELL: Senator Kelly, this was the bill that was in the last session of the legislature. Now what is the difference between this bill and what we had in the last session?

SEN. KELLY: There is no great difference. One point, the timing for doing this now seems to center around the establishing of the decommissioning financing committee. Getting it in place so that they can come up with the process of withholding this money and building the fund.

SEN. BLAISDELL: Are you saying, Senator, that the monies will be collected when the plant goes on-line?

SEN. KELLY: Not until the plant is commissioned.

SEN. BLAISDELL: You made another statement about collecting it from the rate payers, is that what you said?

SEN. KELLY: Well, from the companies that use the facilities. In other words, if an out-of-state company buys from this plant, they will pay. I would imagine that price will be passed on to the consumer in some form.

SEN. BLAISDELL: Was there any testimony that the difference between this bill and the one that we had in the last was that in the last session that bill would have gone on-line right away, and we would have been paying right away as

compared to waiting until the plant came on-line? Was there any testimony on that?

SEN. KELLY: I don't recollect Senator.

SEN. BROWN: I was the one that brought that bill to the floor last session and urged its passage. I do so again today. I can't recall whether the payments to build this fund started immediately or when the plant come on-line in the last bill. Two years ago. This bill here specifically states, "no monies will be paid into this fund until this plant is on-line." This bill specifically states that. Another problem we had with the bill two years ago was the fund, as it was being built, was not tax-free from the IRS. That is one of the reasons why it went back to interim study. That has been resolved. No IRS taxes in this fund, that has been resolved.

SEN. BERGERON: Based on what you say, what is the urgency of passing this bill today?

SEN. BROWN: Because this establishes the committee and gets the ground work done for when the plant comes on-line. Public Service testified in support of this bill along with the sponsor and other people who claimed that it is necessary to get this committee together to figure out the cost for the future, the length of the plant. There are many, many things to be done by this committee before the plant comes on-line.

SEN. BERGERON: Well, if you don't know who is going to own the project, how are you going to allocate the funds. And is it normal procedure for the legislature to pass legislation that may not be effective until four years down the road?

SEN. BROWN: It was testified in committee that all those who participate in the energy that is produced from this plant will pay their proportionate share, be it wholesale, retail, or whatever.

SEN. WIGGINS: We had a good hearing on this bill, there was no opposition whatsoever. As I first looked over the bill and the name of the bill, I was opposed to it psychologically but after reading through it and the time when it goes on and when it will be imposed on the utilities and the different utilities that are owners, I would recommend passage at this time so the committee can be set up. They can adopt rules and regulations even though it is three years away.

SEN. MONIER: I would like to try to answer a couple of questions that seem to be floating around. The first one is, who owns it three years or six years from now doesn't matter because what matters is the fact that at the end of the life of it, whenever that is decided to be, we would have a decommissioning fund. Sen. Brown very clearly outlined that there will be no funds collected until the plant is on-line. The committee does need to be formed and I'm not very pleased about it but I feel it does need to be formed because if it is formed later and the plant goes on the line then you are going to be in all kinds of problems because they will have no preplanning time. Preplanning on decommissioning has nothing to do with who owns it, it has to do with the plant itself, it's operation, it's size, the radioactive fuel it uses, and all the other aspects. And since it does not require any money and since it is a planning establishment, it should be established before the plant is completed rather than to wait.

Adopted. Ordered to third reading.

SB 81, relative to the purchase of milk. Ought to pass. Sen. Kelly for the committee.

SEN. KELLY: This is a bill that I sponsored at the request of the department. It deals mainly with the formula setting for co-ops buying milk within the state and people from out of state buying milk. It arose, I believe, better than a year or two ago when one of the larger companies went bankrupt. They had stated that they were only doing business with a small number of people. It was found upon bankruptcy that they were in fact dealing with a great number of farmers in the state, leaving them all in a bad presence. This would give the commissioner more control over the formula setting and surety that they must put up when buying milk in New Hampshire. There was no opposition to this bill and the committee recommends ought to pass.

Adopted. Ordered to third reading.

SB 85-FN, relative to authorizing the department of resources and economic development, division of parks, to pur-

chase the historic Crawford cannon for public display. Ought to pass. Sen. Wiggins for the committee.

SEN. WIGGINS: This would give the Department of Resources and Development a chance to buy this cannon. Mr. Doherty from DRED came over and testified that there are only two of them in the country now and it would be a very good buy if you bought it and held it and sold it later you would make a good profit on it. It would make a good piece for a museum or to install up there in the mountains for people to look at. We recommend this bill be passed.

Adopted. Referred to Finance.

SB 84, relative to the acquisition of substitute recreation land. Ought to pass. Sen. Freese for the committee.

SEN. FREEZE: This bill grants the State authority to acquire substitute land for outdoor recreation purposes if the State converts the state property acquired or developed with the federal assistance under the land and water conservation act of 1965. I don't recall if there was any opposition to this. The committee recommends it ought to pass.

Adopted. Ordered to third reading.

HB 52, establishing an interstate commission on the lateral marine boundary between New Hampshire and Maine and the gauge laws. Ought to pass. Sen. Wiggins for the committee.

SEN. WIGGINS: We listened to quite a few people from Portsmouth on this bill. They can't really do anything unless Maine is willing to go along with it. It won't do any harm and it may not do any good to pass this bill but it will all depend on the cooperation Maine gives with this commission. They do have legitimate reasons for a commission to be established between the two states and to establish a uniform lobster gauge and boundary lines. They are losing their lobster traps and everything else over there. I would recommend passage of the bill so they could see if they could get the state of Maine to set up a commission to sit down and talk about this.

SEN. BLAISDELL: This brings back something to my memory. The last time we got fouled up in this type of a thing we took Bangor, Maine.

SEN. WIGGINS: No, we didn't.

SEN. BLAISDELL: Well, we almost did. I think it was either Bangor or Portland. We did get close. Sen. Sanborn, you were here. I just want to know, are you going to be sure that you put somebody on this commission who will know something about charts? Really, we did take the capital of Maine that I last knew about.

SEN. WIGGINS: They would have surveyors, land surveyors and things. They went all through how we almost claimed Nova Scotia by going due east and everything. They have charts and things. This bill would actually do nothing but set up a commission. It gives them no powers so we are not going to get into any interstate wars or anything else with it.

SEN. BLAISDELL: Will you be sure that Sen. Preston is not on it? Because he's the one that took Bangor.

SEN. WIGGINS: He might be.

SEN. PRESTON: I stand in support of this bill. This has been a long-standing problem for the lobstermen in the area. I think if the settlement were left to the lobstermen there would be no problem. There seems to be constant harrassment. The New Hampshire lobstermen have been arrested and so forth. I think the passage of this by the Senate sends a clear message to our peers in the legislature in Maine that we would like to sit down and once and for all resolve this. There was a line established by the Master Justice Clark of the United States Supreme Court that really disenfranchised the New Hampshire fishermen of a substantial amount of territory and I issue a public plea to the legislature of Maine that they establish a similar committee so that we can sit down and resolve this problem once and for all.

SEN. SPLAINE: I also rise in favor of this legislation. I am very pleased that the committee acted with haste on approving the legislation because the state of Maine has still to consider the issue. If any of the members of the state Senate after passage of this bill, know any of the Senators in Maine I would hope that you might be able to communicate with them to encourage the introduction of similar legislation on a legislative level in Maine. I think this could go a

long way at least to improving relationships by sitting down with Maine and talking about the problems with the border and the lobster-fishing rights between the two. I was involved in the dispute we got into in 1974 on the legislative level and at least I'm pleased to see that we are at this point of asking that a commission be jointly created.

Adopted. Ordered to third reading.

HB 327-FN, to regulate the distribution, labeling and sale of agriculture liming materials. Ought to pass. Sen. Kelly for the committee.

SEN. KELLY: We heard testimony on this. Basically what this would do is put liming regulations for the distribution and sale of lime in the same category as agricultural fertilizer. Some of you may remember a few years back a rather large scandal was uncovered where one of the larger dairy farms not too far from Concord was purchasing large amounts of lime. It was being delivered in trucks, they were being told the tonnage of those trucks was 32 tons, it turned out to be more like 22 tons. A good deal of scandal was involved. This will simply put some control over lime, the same controls that we have over fertilizer. The committee recommends ought to pass.

Adopted. Ordered to third reading.

SB 76-FN, authorizing cities and towns to determine alternate routes for the transportation of liquified energy gas. Majority: Inexpedient to legislate; Minority: Ought to pass. Sen. Brown for the Majority; Sen. Preston for the Minority.

Senator Preston moved that SB 76-FN be made a special order of business at 1:02 p.m. on April 21, 1981.

SEN. PRESTON: These bills were sponsored by Sen. Splaine who had an appointment and was not planning to be here today. I had requested of Sen. Brown who was to report these out and he was courteous enough to accept my request and we are not prepared to report them on the floor today. We will do so on Tuesday.

Adopted.

SB 78-FN, relative to communities allowing railroad cars holding certain gases to stand on sidings. Majority: Inexpedient to legislate; Minority: Ought to pass. Sen. Brown for the Majority; Sen. Preston for the Minority.

Senator Preston moved that SB 78-FN be made a Special Order of Business at 1:03 p.m. on April 21, 1981.

Adopted.

HB 291, relative to the Benjamin Thompson trust fund. Ought to pass. Sen. Lessard for the committee.

SEN. LESSARD: The education committee did in fact meet on this bill. This bill merely extends to the Benjamin Thompson fund the same investment practices that had been exercised by the University since 1963 in other funds. The Benjamin Thompson fund was the original fund created in the creation of the University. The vote was unanimous.

Adopted. Ordered to third reading.

SB 113, relative to Mascoma Valley regional school district school board. Ought to pass. Sen. Hough for the committee.

SEN. HOUGH: The committee met and took testimony on SB 113 and recommend the bill ought to pass. Simply, it changes the terms of the school board members of the Mascoma Valley school district from annual school meeting to annual school meeting as opposed to the present statute which goes from July to July.

Adopted. Ordered to third reading.

Sen. Monier in the Chair.

SB 80, relative to the appearance of certain referendum questions on the ballot. Ought to pass. Sen. Conley for the committee.

SEN. CONLEY: Currently the lesser of ten voters or ten percent of the voters in any city or town they petition the Secretary of State to get liquor sales question or sweepstakes sales question on the ballot at a state election. This bill simply requires that ten percent of the voters petition for such questions which may only appear on the ballot at the state general election. I believe this is one that was introduced for the Secretary of State's office. We urge it's passage.

Adopted. Ordered to third reading.

SB 108, requiring the change of village district boundaries to be initiated by referendum of the registered voters of the district. Ought to pass. Sen. Stabile for the committee.

SEN. STABILE: This bill was introduced by Sen. Preston. He was requested by the Hampton Beach Village precinct in conjunction with the discussions with the selectmen of the town of Hampton. This particular piece of legislation takes no authority away from the selectmen other than a change that a prior approval would have to be sought. Any changes in the shrinking of the size of the village district would be approved by the petition of the voters. The committee met and recommended ought to pass.

Adopted. Ordered to third reading.

SB 123-FN, authorizing an assistant county attorney for Sullivan County. Ought to pass. Sen. Rice for the committee.

SEN. RICE: SB 123-FN authorizes Sullivan County to appoint an assistant county attorney on a part time basis. It was the understanding of the committee from testimony that we heard that the entire Sullivan County delegation supported this bill and recognizes the need for an assistant county attorney. There was a lot of discussion and we raised a number of issues based upon testimony that we heard. There was no testimony in opposition. It was the unanimous feeling of the committee that this bill should be reported out ought to pass.

SEN. STABILE: Is this permissive legislation, Sen. Rice?

SEN. RICE: Yes it is.

Adopted. Ordered to third reading.

SUSPENSION OF RULES

Sen. Conley moved that the rules of the Senate be so far suspended as to allow committee reports on CACR 10, SB 114, SB 116, SB 135, SB 130-FN, SB 136, SB 171, SB 185-FN, SB 220, SB 288-FN, SB 295-FN, SB 303, and SB 304-FN without the necessary two legislative days hearing notice in the calendar.

Adopted.

CACR 10, relative to initiative petitions. Ought to pass. Sen. Sanborn for the committee.

SEN. SANBORN: This is the same CACR that was passed by this Senate one session ago. All it does is establish a method of having an initiative petition in the State of New Hampshire. We are one of the few states now that do not have the right of initiative petition by the people. There is a safeguard in here that it takes ten percent of the voters in each voting precinct to get an initiative petition started. To give an idea, such things as two and one, whether we would have a nuclear plant or other things that are done in other states. Such as in Maine you have had two to repeal the bottle bill and two to repeal nuclear plants, both which were initiative petitions in the state. They lost but it did give the people a democratic right to make a petition to their government. I highly urge, again, that we pass this and hope that the house will see the light this year.

Roll Call Required.

The following Senators voted yes: Lamontagne, Conley, Freese, Hough, Bergeron, Chandler, Wiggins, Monier, Blaisdell, Mann, Stabile, Boyer, Kelly, Rice, Podles, Sanborn, Stephen, Brown, Lessard, Roy, Preston, and Splaine.

There were no negative votes.

22 yeas 0 nays

Adopted by necessary 3/5 vote. Ordered to third reading.

SB 114, legalizing the Richmond town meeting. Ought to pass. Sen. Sanborn for the committee.

SEN. SANBORN: We had a good hearing on this yesterday and we recommend the passage. To give an idea of what happened, the town had an article in the warrant that said "to see if the town will vote to raise the appropriate sum of money to replace and repair town bridges and take any action thereto". It was amended in the meeting to say this article "to see if the town would vote to authorize the selectmen to finance over a three to five year period in the most advantageous way they can find, money for the following: \$20,766.90 to replace Mill Road bridge; \$1,837.50 to repair the Whipple Hill bridge; \$577.50 to repair the Faye Martin bridge; and to close the Greenwood Road bridge at Crow's driveway." It passed as amended but the bond council had problems with that since it was an amendment at the town meeting and to satisfy the town of Richmond they had a bill put in to legalize this portion of that budget. We urge it's passage.

Adopted. Ordered to third reading.

SB 116, legalizing actions taken at the Sandown town meeting. Ought to pass. Sen. Sanborn for the committee.

SEN. SANBORN: This bill is similar to the other one only a little bit different, to the effect that there is always in the town warrant an article to allow the selectmen to borrow money in anticipation of taxes. In the town of Sandown, somehow or other, that article somehow fell through a crack in the floor and didn't show on the warrant. However, the townsmen did vote to allow the selectmen to borrow in anticipation of taxes. It was a unanimous vote. But the people who lend the money and so forth didn't see an article in the warrant so this just legalizes it and allows them to have that item in the warrant. It has already been passed but this makes it legal so they can borrow the money.

Adopted. Ordered to third reading.

SB 135, relative to residents and inhabitants. Ought to pass. Sen. Conley for the committee.

SEN. CONLEY: This bill enacts the definitions resulting from the work of the study committee on the definition of residency established by Chapter 393 of the laws of 1979. It makes clear that the use of certain other words in certain sections of the RSA does not take such statutes out of the pervue of the uniform definitions contained in this bill. This document was produced by that committee. It goes into extreme detail throughout the statutes, makes corrections, and those are listed in section 2. This particularly eliminates the title which has to do with election laws because the definition of residency is already included in a different manner in the election laws. The committee met, reviewed the work of the committee that created this particular act and it was a unanimous vote that this should pass.

Adopted. Ordered to third reading.

SB 130-FN, concerning renewal of the veterans exemptions. Inexpedient to legislate. Sen. Sanborn for the committee.

SEN. SANBORN: This bill is in regard to the property inventory blanks that you all get every year. Over the years we have had bills come in here trying to get the people to get these inventory blanks back to the selectmen. We have fines and everything else set up to get them back to them on time. This is a case where somebody didn't read, not the fine print but the very large print, in that application and didn't check off that they were veterans. They got penalized for it and they didn't get their veterans exemption for that year. We were trying to give them some relief. Since we have had so many bills in the past trying to get people to get this application of their inventory back to the selectmen, we couldn't see any need of trying to oppose a law that we have passed and we find it inexpedient to legislate in the committee.

Adopted.

SB 136, legalizing the proceedings establishing the village district of Eastman and authorizing the issuance of certain bonds

of district. Ought to pass. Sen. Conley for the committee.

SEN. CONLEY: This bill legalizes the establishment of the village district of Eastman for the acquisition of the Eastman Water Company. The bill further legalizes the authorization for the district commissioners to issue \$1,750 million bonds or notes for establishing a plant for the distribution of water for municipal use. This bill was requested by the town's bond council. We urge it's passage.

Adopted. Ordered to third reading.

SB 171, allowing Plaistow to vote on certain petitioned zoning ordinances at a special town meeting. Ought to pass. Sen. Conley for the committee.

SEN. CONLEY: This bill allows the town of Plaistow to consider it a special town meeting for proposed amendments to it's zoning ordinance which received enough votes to pass but could not take effect because of omissions in the warrant posted for the annual meeting. The committee met on this, it had unanimous approval. We urge the Senate to vote ought to pass.

Adopted. Ordered to third reading.

SB 185-FN, relative to a special election in Hooksett. Ought to pass. Sen. Conley for the committee.

SEN. CONLEY: This bill allows Hooksett to hold a special town meeting for voting by ballot on the question of increasing the number of selectmen from three to five. At the regular town meeting this year the issue came up on a warrant, the vote was 603 to 603. There was a recount and there was 603 to 603. However, it was discovered that 23 absentee ballots did not contain the item as required by law and therefore the Secretary of State's office and this committee recommends that this special election be allowed.

SEN. CHANDLER: Is it normal procedure for the Legislature to involve itself in this type of a thing?

SEN. CONLEY: Yes sir, it certainly is.

SEN. CHANDLER: If we did not act they would have to wait until the next town meeting, a year from now to solve that question about whether to go from three to five?

SEN. CONLEY: That it true. On the other hand there is also the matter that the entire town meeting of Hooksett could have been disqualified if any one of those people who was disenfranchised by the absentee ballots wanted to oppose the question. It is the agreement of those people that this is the better way out.

Adopted. Ordered to third reading.

SB 220, to authorize a Rockingham county personnel commission. Ought to pass. Sen. Sanborn for the committee.

SEN. SANBORN: Some years ago, Rockingham county received a grant to establish a personnel commission within the county. That was done. They have established the necessary rules, the procedures under which the employees work, what their pay rates will be. It has been a very good personnel commission. The commission has been consisting of the three county commissioners, the sherriff, the county attorney, the registrar of deeds, the registrar of probate, and the county treasurer. In other words, the elected officers. All the employees of Rockingham county have liked this, they are well satisfied with the way they are handled and everything else. Basically what this does is it just allows the county to keep this personnel commission on a permanent basis. We had a good hearing on this, many people were for it, there was no opposition and in fact a few from some other counties came in and wanted to find out how Rockingham did it so well so that they could establish one in their own county. We recommend the passage of this bill.

Adopted. Ordered to third reading.

SB 288-FN, relative to tax warrants and extents. Ought to pass. Sen. Conley for the committee.

SEN: CONLEY: This bill changes the date from the commencement of interest payments on county taxes from December 7th to January 31st. It also extends the period during

which the interest penalty does not apply in Hillsborough county from 30 to 60 days. This bill was introduced by Sen. Champagne. He gave very good testimony at the hearing and we recommend it's passage.

Adopted. Ordered to third reading.

SB 295-FN, prohibiting losers in partisan primaries from running by filing nomination papers. Ought to pass. Sen. Conley for the committee.

SEN. CONLEY: This is the famous sore-losers bill. This bill requires all candidates for state and federal offices, except that of the President of the United States to file declarations of candidacy in the same filing period. It also insures that all nominations will be made on the same day. It forbids a person who runs as a candidate in the state primary election from running in the state general election by filing nomination papers. By making all candidates file for office at the same time rather than allowing those who file by petition to file after the primary, it eliminates the chance for primary losers to file as independents. We had a good hearing on this bill. The committee recommends ought to pass.

Adopted. Ordered to third reading.

SB 303, restricting the percentage of an agency budget spent during the last two months of a fiscal year. Ought to pass. Sen. Conley for the committee.

SEN. CONLEY: This bill limits spending by an agency in the last two months of the fiscal year to a maximum of 25 percent of it's appropriations. The Legislative Fiscal Committee has authority to grant exceptions to the limit for good cause. The committee had a good hearing on this bill and we recommend it's passage.

Adopted. Ordered to third reading.

SB 304-FN, requiring agencies to report annually on their use of consultants. Ought to pass. Sen. Sanborn for the committee.

SEN. SANBORN: SB 304 is trying to catch up a little bit on how much we use consultants in this state. Any of you who have served in either Appropriations or Finance know that every year there is line item after line item for various departments saying "consultants," a said amount of money. We don't know who those consultants were. We have no handle on the amount of consultants or the pay that they receive anywhere in this state. Basically what this bill does is it requires state agencies to report to the Comptroller on the use of consultants. They will make an annual report on September 1st concerning money spent on consultants during the previous year; how these consultants were selected, why the work was not done by the regular staff, plans for using consultants during the current year, and the cost benefit analysis of the projects using consultants. This is something that I have stated before that we in Finance and House Appropriations never did get a handle on and hopefully by the package of SB 304 we will begin to get a handle on this in the future. We urge the passage of this bill.

Adopted. Ordered to third reading.

Recess.

Out of Recess.

Sen. Conley in the Chair.

HB 493-FN, relative to insurance premium taxes and the establishment of an administrative fund in the insurance department. Ought to pass. Sen. Blaisdell for the committee.

SEN. BLAISDELL: This is a bill that former Sen. Ferdinando would say is a good bill. This bill establishes an administration fund to pay the costs of the office of Commissioner of Insurance. I'm sure some of you know that the costs of funding the insurance department now comes to almost \$1 million. In the wisdom of the Commissioner her is now turning that over to the insurers of the state and it will mean a \$1,100,000 addition to the general fund. And God knows we need that. The first part of the analysis just corrects a problem that we created in the last session of the Legislature. If you want to go into it in depth I will be very glad to. Sen. Bergeron

can explain it a little better than I can. We taxed a company that does some business outside of the country and it created quite a problem and the Commissioner came in and asked that they would not be subject to that insurance premium tax now so we took that out and accepted the \$1,100,000. I wish there were a lot more Frank Weyland's in this state to give us that kind of money. I ask your support.

SEN. BERGERON: I rise in support of the committee report. Basically what Sen. Blaisdell told you is correct. In lieu of taking the operation monies out of the General Fund the insurance companies are now being assessed. It has no bearing on the premium tax. We still collect, for the General Fund, the same amount of monies we have in the past. So he is correct, it is a plus of \$1,100,000 in the next biennium.

Adopted. Ordered to third reading.

SB 89, relative to Medicare coverage for a preexisting condition. Ought to pass. Sen. Freese for the committee.

SEN. FREESE: Under the provisions of this bill, when an insurer, a non-profit hospital, medical services association, or health maintenance organization, elects to use a simplified application form for Medicare supplement policy without any questions about the insurer's health history, six months after the date of the issuance the policy must cover any loss occurring from preexisting conditions. This bill was requested by the Insurance Commissioner and it was a unanimous vote that it ought to pass. We hope you will support it in the Senate.

Adopted. Ordered to third reading.

SB 93, extending the time period in which a sentence may be suspended. Inexpedient to legislate. Sen. Champagne for the committee.

Senator Monier moved that SB 93 be laid on the table.

Adopted.

SB 107, relative to court ordered work programs. Ought to pass. Sen. Chandler for the committee.

SEN. CHANDLER: This is a good bill. There was no opposition. The bill permits a court to offer a delinquent minor or any other person convicted of a violation, a misdemeanor or a felony, to perform public service or other appropriate work as an alternative to a fine, sentence, or imprisonment.

Adopted. Ordered to third reading.

SB 57, to regulate the Berlin water works. Ought to pass with amendment. Sen. Podles for the committee.

SEN. PODLES: SB 57 requires an investigation and also requires rate and tariff provisions for the Berlin water works by the public utilities commission. The utility was to bear the cost of this project, however, the amendment removes that part of it. The committee met and recommends ought to pass with amendment.

Amendment to SB 57

Amend section 1 of the bill by striking out same and inserting in place thereof the following:

1 Berlin Water Works Regulated by Public Utilities Commission. Notwithstanding the provisions of 1925, 294 or any other provision of the law to the contrary, the public utilities commission shall conduct and complete a thorough investigation of the Berlin water works on or before July 1, 1981. The public utilities commission shall set rates and tariff provisions for the Berlin water works for a 2 year period commencing July 1, 1981.

Amendment adopted. Ordered to third reading.

SB 83, relative to witnesses at a marriage ceremony and the fee charged for performing such ceremony. Ought to pass with amendment. Sen. Podles for the committee.

SEN. PODLES: This bill raises the marriage fee from \$5 to \$25. The amendment on page 83 changes it to \$5 but no more than \$25. With the amendment it offers flexibility and an option. The bill also prohibits any person who is perform-

ing the marriage from requiring a witness to be present, or from charging any extra fee. The Secretary of State favors the bill. He was there to testify. The committee recommends ought to pass with amendment.

Amendment to SB 83

Amend RSA 457:33 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

457:33 Fee for Solemnizing. The person joined in marriage by a minister or justice shall pay the minister or justice not less than \$5 but no more than \$25.

Amendment adopted. Ordered to third reading.

SB 98-FN, lowering the age requirement for eligibility for golden granite state discount club. Ought to pass. Sen. Roy for the committee.

SEN. ROY: This bill lowers the age requirement for eligibility for Golden Granite State Discount Cards from age 65 to age 60. That is keeping with the age qualifications for federal and state programs for the elderly.

Adopted. Ordered to third reading.

SB 99-FN, changing the criterion for involuntary emergency hospitalization. Inexpedient to legislate. Sen. Roy for the committee.

SEN. ROY: The bill would define a less stringent criterion for involuntary emergency hospitalization. If you recall, in the last session of the Legislature this was a very involved, serious piece of legislation. It has been found in the interim since it was passed into law that law enforcement officials were having some difficulties working under the criterion of a strong likelihood of harm to self or others. In the hearing in committee our concerns were that the bill would significantly increase admissions to the New Hampshire Hospital and that the fiscal impact would be about \$250,000. Second, that it would impede progress toward development of effec-

tive community based programs. And third that it would needlessly deprive mentally ill persons of their fundamental right to liberty. So with those reasons in mind the committee did find that the proposed legislation would be inexpedient to legislate.

Adopted.

SUSPENSION OF RULES

Senator Roy moved that the rules of the Senate be so far suspended as to allow committee reports on SB 277-FN, and 268-FN with only one legislative days notice in the calendar for hearings.

Adopted.

SB 277-FN, providing for the recovery by towns of amounts expended in aid of certain paupers. Ought to pass. Sen. Roy for the committee.

SEN. ROY: The bill authorizes towns to recover amounts expended for the assistance of persons who thereafter returned to an income status which enables them to reimburse the town without creating a financial hardship. The bill also provides for the implied assent of all claims or rights of action belonging to an assisted recipient to the town having provided such aid. The bill's premise is very simple. The current law which is many, many years old, allows a local welfare to seek recovery of aid given to a recipient from relatives of these welfare recipients, such as a mother, father, sister, brother, grandparents, and so forth, but does not ask the recipient himself to repay assistance that has been given. The committee recommends that this bill ought to pass.

Adopted. Ordered to third reading.

SB 286-FN, relative to the sale of prison products and their purchase by state institutions. Ought to pass. Sen. Roy for the committee.

SEN. ROY: SB 286 was requested by the Warden of the State Prison. The whole concept of the bill would be to keep the inmates busy. It expands the ability of the State Prison to provide state institutions with prison products. The Warden would be authorized under this bill to manufacture products for sale on the open market, and to utilize surplus production when such sales will not affect the ability of the prison to supply state departments or institutions. The bill also authorizes the Warden to purchase products from out of state prison facilities. For instance, the state of Connecticut can manufacture and sell a mattress for only \$20 and yet the State must purchase those same kinds of mattresses in state for in excess of \$40. The committee wholeheartedly supports this bill and would ask that the Senate find the bill ought to pass.

Adopted. Ordered to third reading.

SB 176-FN, permitting the financing of health care facilities by the industrial development authority. Inexpedient to legislate. Sen. Roy for the committee.

SEN. ROY: SB 176-FN would have permitted the industrial development authority to issue revenue bonds for the financing of health care facilities. We ask that you find that bill inexpedient to legislate because financing of health care facilities is more properly a function of the higher health and education authorities.

Adopted.

SB 184-FN, relative to medicaid and food stamp fraud. Inexpedient to legislate. Sen. Roy for the committee.

SEN. ROY: SB 184-FN is identical to a bill in the House which also has the name of the sponsor of the Senate bill. It was recognized that there was some confusion in Legislative Services so that the sponsor Sen. Champagne asked that SB 184 be withdrawn in favor of the identical bill in the House.

Adopted.

SB 191, relative to the termination of child support orders. Ought to pass with amendment. Sen. Roy for the committee.

SEN. ROY: SB 191 will provide for the termination of child support orders upon a subject child reaching the age of majority of 18, or upon the child's death, or marriage, whatever occurs first. The amendment, which is found on page 10, merely makes the bill, in one area, enabling the courts to remove rather than to have a mandate. It does in fact, enable the court to proportionately decrease supportive payments when a child reaches the age of 18, or is married, or what have you. In the event there is a disabled youngster who has reached that age then the court would have, according to this bill now as amended, the right to continue support. In addition, if the individual who is being assessed under court ordered payment for the child is in arrearage that proportion would not be decreased until the arrearage was repaid to the courts.

Amendment to SB 191

Amend RSA 458:17-b, II as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

II. Where more than one child is included in a support order, payments may be decreased proportionately as each child's support expires as provided in paragraph I. However, if any arrearage, current or in abeyance, exists when the proportionate decrease should have become effective, the current support order shall not decrease, but a sum equal to that proportionate decrease shall be applied to the arrearage until paid in full. Once the arrearage is paid in full, the current order amount shall be reduced in the amount of the proportionate decrease.

Amendment adopted. Ordered to third reading.

HB 294-FN, imposing a penalty for improperly parking in areas designated for handicapped persons. Ought to pass. Sen. Mann for the committee.

SEN. MANN: This bill does exactly what it says it does. Anybody parking in a handicapped spot reserved for handi-

caps will be guilty of a violation and thus subject to a \$100 fine.

Adopted. Ordered to third reading.

HB 389, relative to the use of dealer plates on consigned vehicles. Ought to pass. Sen. Mann for the committee.

SEN. MANN: All this bill does is let the dealer use dealer plates on cars that are consigned to him. In other words, if you were going to let a dealer sell your automobile for a commission, under the present law he would not be able to use his dealer plates on that particular car. This allows him to do that.

Adopted. Ordered to third reading.

HB 469, relative to the use of emergency signals by emergency vehicles. Ought to pass. Sen. Mann for the committee.

SEN. MANN: If you remember back a couple of years ago we said every emergency vehicle must use sirens and lights at all times. This bill says he doesn't have to use audible signals so that an ambulance coming through a town at 2:00 or 3:00 in the morning does not have to use its siren.

SEN. BERGERON: Basically what you said I really have no problem with but how far does this bill extend? For example, I can relate back to an accident that happened not more than a few days ago in the town of Epping, this happened to be at night, where a cruiser was coming down through and was involved in a three-car pile-up and as a direct result the Chief of Police of that town was charged. I just want to be very, very careful that from a legal liability standpoint here that we are not exempting them from any kind of a liability as a result of them going through stop signs, through red lights, through yield signs, or anything else. And as a result of doing this some poor citizen of the State is in a legal liability bind and has no recourse.

SEN. MANN: This does not exempt you from going through a red light, or a stop sign or anything.

SEN. BERGERON: I'm not saying me.

SEN. MANN: No, I mean the person with the lights and the siren going. It just let's him use his discretion at night. The lights have to be going but it let's him use his discretion or their discretion in the use of the siren at night. IF he goes through a stop sign or red light and is involved in an accident, he is liable.

Adopted. Ordered to third reading.

HB 400, to permit a waiver of the motor vehicle equipment requirements or prohibitions in automobiles of handicapped persons. Ought to pass with amendment. Sen. Mann for the committee.

SEN. MANN: This allows handicapped people who have a motor vehicle, not to have the proper motor vehicle compliance things. For example, this was put in by a person that apparently drives and he has a small television screen in front of him and this television screen shows side views. He has cameras looking out the side of his car instead of outside mirrors. The law says now that you can't have a television screen in the car. This would eliminate that. Certain other handicapped people that are reclined, that are using a vehicle in a reclined state, this would take care of that. The original bill said a warver sticker and permit and everybody who testified suggested that the sticker should not be there, just a permit that must be kept with the registration for the vehicle. The waiver is only granted for two years and this allows the Commissioner or designee to inspect these vehicles, to issue the waiver. I think there are enough safeguards in this so it is all right. Also, no one else is supposed to drive that particular vehicle but the handicapped person.

Amendment to HB 400

Amend RSA 263:5-a, V as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

V. If the waiver is granted, the department shall issue an equipment permit to the applicant. Such permit shall be kept in the vehicle while the equipment for which the waiver was sought is being used.

Amend RSA 263:5-a, VIII as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

VIII. The commissioner of safety shall have the authority to adopt rules pursuant to RSA 541-A relative to:

- (a) The information to be contained on the application for a waiver;
- (b) The information to be contained on the permit; and
- (c) Restricting the operation of the motor vehicle to the use listed on the permit.

Amendment adopted. Ordered to third reading.

Sen. Monier moved that the Committee of Conference Report on HB 9 be removed from the table.

SEN. MONIER: I would like to speak to this. Thank you, Sen. Kelly as the Chairman of the Education Committee and Chairman of the Conference Committee, you did a very good job. At this point we have HB 9 in front of us and I would like to explain why we are pulling it off the table at the present time. The answer is a very simple one, the House has just concurred, or has concurred earlier with HB 425, which is you all know a supplemental budget. I think you are well aware and I think it has been gone over time and time again, that the two bills, HB 9 and HB 425, had similar passages within them. The Senate is to be complimented. I don't know whether you are aware of it or not, but all of the vilification that we had with respect to the fact that by repealing the bill we were attempting some kind of chicanery, should have been very well dispelled yesterday afternoon. If you are not aware of it I think you should be because you should walk around with your head up high and wear with pride what you did. Just as I predicted and as you people voted to support, and all of you supported and predicted, if you were to open up this education to the handicapped bill to the public they would have a chance to be heard. Yesterday afternoon the House bill which is the revision of this which we had said was in the mill, had a hearing which lasted in my best knowledge about four to five hours. It had innumerable people from all walks of life, the handicapped, the providers, the beneficiaries, etc., that testified as to what they

felt ought to be considered in any restructuring of that bill. I think that is exactly what our purpose was, to open it up to the public, and I'm happy to report that they responded. At this time, however, HB 425 has now been amended by us so that it does not contain any matters of HB 9, it has been concurred with by the House, and is now on Enrolled Bills, which will be back before they go out of session. HB 9, I have asked now that we concur and agree with Sen. Kelly's motion. There is one minor thing, of some corrections on commas and etc., it is in Enrolled Bills right now, then we can have the Enrolled Bills Report this afternoon and then finally the Senate and the House have taken the action so that the cities, towns, and the handicapped programs can get paid the money that they should have been paid over two months ago. So I ask you to support this concurrence immediately and we will have the Enrolled Bills in before we complete our session this afternoon, and both bills will be on the way to the Governor for whatever action he now decrees.

SEN. PRESTON: I am not going to be an obstructionist. I certainly haven't sought any votes, I just want to speak to the philosophical difference we have, at the risk of being called a small barnacle on this big bill. I don't consider it chicanery in any way. I'm pleased there was a public hearing in the House. I still think it is wrong to repeal and not have an existing law in place and I will continue to say that until I see one that meets our satisfaction. I want to see the towns get paid, they will by this bill, but I just want to speak once again as one person in the Senate, I think it is wrong to repeal.

SEN. SPLAINE: I think that it should be put down in public record, also, that what we did very well possibly could have delayed the payment a lot longer than it is eventually going to be made. The school districts should have been paid two months ago. The school districts at least could have been paid a month ago. The school districts could have been paid a couple of weeks ago. But it is in large part mainly because of the chicanery that was played here on the Senate floor and with a Senate President who happens to have the votes, that we saw the delay until now. I think yesterday's public hearing would have had the same kind of input, the same kind of people would have been attending, the same kind

of people would have been offering suggestions on how to improve the handicapped special education law, but instead we thought that going after a few press headlines and repealing a law was the best way to do it. I can't see how anybody in this Senate can seriously believe that there was anything other than some political vote playing and vote seeking by the move to repeal the special education law in the first place.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 9-FN

The committee of conference to which was referred House Bill 9-FN, An Act making an appropriation to cover the 1980 fiscal year deficit in funds appropriated for handicapped education having considered the same, report the same with the following recommendations:

That the rules of the House and the Senate, and the Joint Rules be so far suspended (including deadlines) so that the rewrite of and any amendments thereto of RSA 186-A may be adopted by majority vote in both branches before July 1, 1981.

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by striking out section 4 and inserting in place thereof the following:

4 Special Education Formulae. Notwithstanding any other provision of law to the contrary, special education payments shall be made by the state as follows:

I. Definitions. As used in this section:

(a) "District equalized valuation per pupil" means the equalized value per pupil in a school district as calculated by the department of education.

(b) "State equalized valuation per pupil" means the same as calculated by the department of education.

(c) "Commissioner" means the commissioner of education.

(d) "State factor" means the total of all district factors from all school districts in the state calculated as provided in subparagraph II(a).

(e) "State catastrophic aid factor" means the total of all district catastrophic aid factors from all school districts in the state that have catastrophic costs calculated as provided in subparagraph III(a).

II. Aid for Anticipated Costs. The state shall appropriate for each fiscal year of the biennium the sum of \$7,800,000 to aid school districts in providing special education programs. The money appropriated for state aid to special education shall be paid annually based on the state equalized valuation per pupil in the second preceding fiscal year, the district equalized valuation per pupil in the second preceding fiscal year, and the actual number of special education pupils with approved individualized education programs in the second preceding fiscal year. The amount paid to a district shall be distributed by the state board of education through the commissioner and shall be figured by the following equalizing formulae:

$$(a) \quad \left(\frac{\text{State equalized valuation per pupil}}{\text{District equalized valuation per pupil}} \right)^2 \times$$

Number of special education pupils with approved individualized education programs in district = District factor

$$(b) \quad \frac{\text{District factor}}{\text{State Factor}} \times \text{Appropriation} = \text{District share of aid for anticipated costs.}$$

However, in no case shall any school district receive less money for special education from the state than it was authorized to receive from the state for such purpose for the fiscal year that ran from July 1, 1979, to June 30, 1980.

III. Assistance with Catastrophic Cost Increases. The state shall appropriate \$2,000,000 for each fiscal year to assist school districts in meeting catastrophic cost increases in their special education programs. The state board of education through the commissioner shall distribute aid available under this paragraph to such school districts as have a special education pupil for whose costs they are responsible, for whom the costs of special education exceed \$9,000 in a fiscal year. The amount

to be distributed to a school district under this paragraph shall be determined through the following formulae:

$$(a) \quad \left(\frac{\text{State equalized valuation per pupil}}{\text{District equalized valuation per pupil}} \right)^2 \times$$

$$\text{Number of catastrophic aid students in district} = \text{District catastrophic aid factor}$$

$$\frac{\text{District catastrophic aid factor}}{\text{State catastrophic aid factor}} \times \text{Catastrophic aid appropriation} =$$

$$\text{District catastrophic aid share}$$

provided that the amount of catastrophic aid for a district requiring such aid shall be no more than 80 percent of catastrophic costs for that district. If there are unexpended funds appropriated under this paragraph at the end of any fiscal year, such funds shall be distributed according to the equalizing formulae established in paragraph II.

IV. Aid for Statewide Programs. The state shall appropriate \$200,000 for each fiscal year to assist regional special education centers and programs of special education that are statewide in their scope, and that meet the standards for such programs established by the state board of education. Funds under this paragraph shall be administered and distributed by the state board of education through the commissioner. If there are unexpended funds appropriated under this paragraph at the end of any fiscal year, such funds shall be distributed according to the equalizing formulae established in paragraph II.

V. Payment Authorized. The state board of education is authorized to pay over certain sums to any school district as provided under paragraphs II and III and to any special education programs that are statewide in scope as provided under paragraph IV.

VI. Cheshire County. In Cheshire county, upon request of such a school district and upon approval by the county convention, the county may raise and appropriate funds to pay a portion of such costs for special education under this section.

5 Effective Date.

I. Sections 1 and 3 of this act shall take effect upon its passage.

II. Section 2 of this act shall take effect June 30, 1981.

III. Section 4 of this act shall take effect July 1, 1981.

Conferees on the Part of the Senate

Sen. Kelly, Dist. 14

Sen. Conley, Dist. 3

Sen. Blaisdell, Dist. 10

Sen. Monier, Dist. 9

Conferees on the Part of the House

Rep. W. Boucher, Rock. 3

Rep. Taffe, Grafton 5

Rep. M. Hanson, Belknap 5

Rep. Chambers, Grafton 13

Senator Kelly moved concurrence.

Senator Blaisdell moved the previous question.

Seconded by Senator Monier.

Adopted.

Adopted.

Recess.

Out of Recess.

SB 218, relative to the regulation of odometer disclosures. Ought to pass. Sen. Lamontagne for the committee.

SEN. LAMONTAGNE: Right at the present time the Title Bureau has been having a problem with people selling their cars and not putting the odometer reading on the title. What this really does is that this has been requested by the Attorney General that it is a must to have the odometer reading by the person who sells the car and at the same time by whoever purchases the car sees that the odometer reading is on the title.

Adopted. Ordered to third reading.

SB 144, naming the bridge on the road that connects state routes 3 and 175 in the town of Thornton as the Thornton Memorial Bridge. Ought to pass. Sen. Rice for the committee.

SEN. RICE: The committee heard testimony on this bill, hearing no opposition the committee unanimously voted ought to pass.

Adopted. Ordered to third reading.

SB 24, an act concerning eminent domain. Interim study. Sen. Rice for the committee.

SEN. RICE: The entire committee heard testimony on this bill from the Department of Eminent Domain, also from the Attorney General's office on some of the amendments that need to be made to this bill. The amendments are going to require a lot of clarification in order to do justice to the bill, which we do feel has some merit. We respectfully suggest that it go into interim study.

SEN. SANBORN: Can you tell me, since actually we were in a debate of sunset review at the time, just what this bill would have done?

SEN. RICE: The bill clarifies or attempts to clarify and change a number of sections in RSA 498-A. The changes that are wanted by the Department of Eminent Domain do not concur with some of the amendments that have been proposed by the Attorney General's office. Until both of those parties can get together there is no question, even with sunset, that there will be a Department of Eminent Domain in some respects. The question is trying to come up with an equitable bill at this time and I and other members of the Committee do not feel that we can do just service to this bill with the conflicts that currently exist.

Adopted.

SB 219, to permit the retail sale of bulk petroleum on a temperature corrected basis. Majority: Ought to pass; Minority: Inexpedient to legislate. Sen. Rice for the Majority; Sen. Lamontagne for the Minority.

SEN. RICE: In hearing testimony on SB 219 I was reminded of a book that was written by Frank Smallwood of Hanover who served in the Vermont Senate. I can't recall the name of the book, but in the book he describes his one term in the Vermont Senate and a bill that came before him of a little country store owner who was buying gas for retail and paid taxes on it and then the gas that he pumped out amounted to less than was pumped in. The difference was in the temperature. As you all know, as gas or oil is warmed up it expands and during the summer the warm truck would come with the warm oil and they would put it into a storage tank that was below the ground and was much cooler. They pumped 2,000 gallons in and by the time it condenses and gets smaller, once it gets in the tank you only pump out maybe 1,800 gallons so he is paying taxes on 200 additional gallons. This bill would allow retailers for oil, gasoline, and diesel to attach a meter so that petroleum that is sold would be temperature corrected. What it means is that it is an option that is not mandatory. If this bill passes then those of you that buy oil will know exactly what you are getting through temperature corrected meters. Retailers that are buying that wholesale, it is currently being done according to testimony, It was the consideration of the Majority of the committee that this was a sound piece of consumer protection for all of those who are buying oil. It is my understanding that the meters which measure the flow can be put on existing meters and that the cost is minimal for those people who wish to do that. On behalf of the Majority of the committee I would urge you to vote SB 219 in the affirmative and pass this on to the House.

Sen. Lamontagne moved that SB 219 be indefinitely postponed.

SEN. LAMONTAGNE: Let me tell you that if you do pass this bill that the consumers are going to get hurt. At the same time I would like to have you know that in order for them to be able to turn around and really deliver oil on temperature that you are going to have to have new meters and I don't care what anybody else says, you are going to have to have the new meters to do it with. Also, if you take the oil companies delivering the oil when it is a very, very warm day and then you put it into a tank and I'll guarantee

you that when it gets cold you are going to lose out on it. I'm telling you right now that this is not for the consumer.

SEN. MANN: We are all experts in the oil business. I guess I was when I was in it, which was not too long ago, a few years back. The distributors, now, can sell to the retailers by temperature corrected fuel. In other words, the fuel can be sold to your local dealer at 60°. The law says it. All this bill does is to let the dealer, if he wants to, if he wants to sell it at temperature corrected he can. At 60° you buy 100 gallons of oil and you heat it and distribute it, distributors now are heating oil. There is one in Portsmouth and there is one in Boston now who are heating their oil. But if you buy 100 gallons at 60° and you heat it to say 100°, or 200° and it becomes 150 gallons, you don't get one more BTU out of that 150 than you did at 100. It's going to go through your oil burner just the same. It doesn't matter. This is not what Sen. Lamontagne says, this is a consumer oriented bill. I put this in for the Better Home Heat Council, and the Weights and Measures is in favor of it. As I say, because the distributor is able to do it now he feels the retailers should be able to do it. It is very easy to convert your meters, you don't convert them, actually you buy a little thing that goes on to your present meters. If you want to do it you put this little attachment on and you are all set to go. If the oil dealer is buying it at temperature corrected he should be able to sell it, that's my feeling.

SEN. HOUGH: Just simply, Sen. Mann, I infer from what you say that at the present time the statutes on the books do not permit the dealer to convert this temperature corrected scale. Is that correct?

SEN. MANN: That is correct. The distributor can but the dealer cannot.

SEN. HOUGH: He's locked into the gallon?

SEN. MANN: Yes.

SEN. LAMONTAGNE: I heard you say that the oil is now being heated by these companies before it is ever delivered. Would you tell us what number oil you are speaking about that they heat?

SEN. MANN: Sure, glad to. Number 2, number 4, number 5, and number 6.

SEN. LAMONTAGNE: Why is it that they heat that oil when they deliver by tank loads?

SEN. MANN: Why do they heat number 2 oil? Very simple, because they sell it as a gallonage, it goes through the meter as a gallonage and you get more gallons at a heated oil that you do at a cold oil.

SEN. LAMONTAGNE: But isn't it true that the oil that the heat is a heavy oil and when they heat it from the plant it is so that when you unload that truck load that it makes it lighter and easier to unload and if you wait until the next morning you cannot unload it because the oil is too heavy? Isn't that correct?

SEN. MANN: No, that's partially correct. They heat number 6, a bunker oil, so that it will flow and they do heat that and it's delivered but that has been in restricted use in the last few years. Less and less companies are using that.

SEN. LAMONTAGNE: Isn't it true that the dealers will have to buy new meters?

SEN. MANN: No.

SEN. LAMONTAGNE: What do you mean no?

SEN. MANN: Just what I said, N-O.

SEN. LAMONTAGNE: Who are you kidding?

SEN. MANN: Who am I kidding, I'm in the business.

Roll Call requested by Sen. Lamontagne.

Seconded by Sen. Rice.

The following Senators voted yes: Lamontagne, Conley, Freese, Bergeron, Chandler, Wiggins, Monier, Stabile, Podles, Sanborn, Brown, and Splaine.

The following Senators voted no: Hough, Blaisdell, Mann, Boyer, Kelly, Rice, Stephen, Lessard, Roy, and Preston.

12 yeas 10 nays

Adopted.

SB 125, exempting certain vehicles from stopping at protected railroad crossings where the signals are not activated. Majority: Inexpedient to legislate; Minority: Ought to pass. Sen. Rice for the Majority; Sen. Lamontagne for the Minority.

SEN. RICE: This bill would allow trucks that have superheated oil or gas to proceed through railroad crossings that

have a traffic control signal light without stopping as long as the light wasn't activated. It's supposed to be a safety bill. I am not going to debate this for a long period of time. If you get one oil truck or one gas truck that comes to an railroad intersection where that light is not functioning properly, which has been demonstrated before, and the law does not require the truck to stop, to look both ways, and the truck proceeds through and a train is coming, you are going to have one hell of a bang. I don't think it is much of safety bill for either pedestrians, people that are working on trains, or for truck drivers. All the testimony before this bill was in opposition to that. That was from a truck driver as well as a representative of the Brotherhood for Railroad Engineers. I would urge you to defeat this bill.

Senator Lamontagne moved the words "ought to pass" be substituted for the committee report of "inexpedient to legislate."

SEN. LAMONTAGNE: I would like to have the Senate know that there were only two persons who appeared at the hearing and they opposed the idea of an oil truck approaching a railroad crossing where it has lights, because if it has no lights the oil truck must stop because that is in the law. The reason this bill has been introduced by myself and Rep. Burns from the House was because these oil trucks, when they stop at the railroad crossing because it is the law now, when they stop and they do, they have to start and when they have a big load they have to get into full low in order to be able to cross that crossing and in the meantime it ties up a lot of cars in back of it. Of course if it's a hilly place, like Berlin, we have a lot of hills where the railroad crossings are at the bottom. The same thing happens in Whitefield, Whitefield has two sets of railroad tracks that they have to cross and every time that truck stops, especially in the winter time, they have created some accidents because when they stop when the lights are not going and the people can't stop because it is slippery and they slide. Especially if you are coming down a hill and the truck stops and in the meantime the car slides right into the truck and therefore you have an accident. Believe me, in Berlin we have thirteen trucks, at least, who are delivering oil at all hours of the night. These trucks come

to the railroad tracks many times a day. And just think of how many people are in back and this truck is endangering other people as well as stopping the traffic. If it is at noon when people are going home for dinner and they have this oil truck in front that stops and he has to start in full low, I'll tell you there is quite a few cars behind. So either you climb the bill or if you are coming down you are endangering and creating a lot of accidents because this truck has to stop. I leave it up to you to see whether or not it is a safety factor, but you must keep in mind that if there is no lighting device the truck must stop. I am not saying to you people that a school bus is not going to stop because it has many lives and the school bus must stop. Although the school bus creates the same problem I believe the school bus is a safety factor but an oil truck can stop a lot of accidents.

SEN. MANN: The great consumer protector from Berlin with his recap tires etc., this is another one of his great consumer protection bills. If a car bumps into the back of an oil truck, I happen to know a company who has nine of them, never once in twenty years have I seen a car bump into the back of an oil truck, especially stopping at railroad crossings. Now, you get a truck going up a hill in Berlin and it gets touched by a train at a railroad crossing because the lights are out we will now annex Berlin to Montreal. There will be nothing left. With eight or nine thousand gallons of gasoline it will burn the damn place up and then we can rename the ski jump and the rest of these things. This bill from the Brotherhood of Locomotive Engineers testimony and these guys are scared to death of it. This is really a bad bill.

SEN. MONIER: I want this on the record, you are saying that if we have an accident up there we can annex Berlin. Is that what you said?

SEN. MANN: That would be nice.

Senator Blaisdell moved the previous question.
Adopted.

Motion failed.
Adopted.

SB 238, relative to limited use designations for Class VI highways. Ought to pass. Sen. Rice for the committee.

SEN. RICE: This bill would permit cities and towns to designate Class VI highways for certain limited use. Class VI highways are town roads that are not maintained year round. Limited use for hiking, bicycling, snowmobiling, whatever. It protects the town against liability if they are used for the declared limited use, if they are used for any other use for what is used then the town is not liable. The committee unanimously recommends ought to pass.

SEN. SANBORN: I know that there is a bill, I believe in the House, that states something about building houses on Class VI highways. Does this affect in any way the building of a home on a Class VI highway?

SEN. RICE: No it doesn't.

SEN. SANBORN: Thank you.

Adopted. Ordered to third reading.

SB 292, naming the twin bridges over the Connecticut river on Interstate 93 between the towns of Littleton, N.H. and Waterford, Vt. for Sen. Andrew Poulsen. Ought to pass. Sen. Lamontagne for the committee.

SEN. LAMONTAGNE: I'm begging the Senate to vote for this one. You all know our friend, Sen. Poulsen. Therefore there was a bridge which is near Sen. Poulsen's home and it was felt that the bridge ought to be named after him. There is one thing that I would like to say to the Senate, that this bridge is between Littleton, N.H. and Vermont. The committee did hear Jack Flanders from the Public Works Department who said that they were making contact with Vermont so that the complete bridge would be named after Sen. Andrew Poulsen.

SEN. MANN: Sen. Lamontagne put this bill in and it's a good bill. The part that goes from the river to the land is owned by Vermont and the Minister, whatever his name was who was at the funeral, he was in the Vermont Senate and said that he would introduce a bill or resolution or something in the Vermont Senate so that the sign would be on the Vermont side too. We are not able to put a sign on the Vermont side of the bridge.

SEN. PRESTON: As a member of the Minority I just want you to know that we unanimously join in this well deserved

tribute in SB 292 naming these twin bridges over the Connecticut River for the late Sen. Andrew Poulsen, who was a colleague and dear friend to all of us.

Adopted by unanimous vote. Ordered to third reading.

HB 189-FN, relative to sunset review of the liquor commission — regulation. Ought to pass. Sen. Blaisdell for the committee.

SEN. BLAISDELL: This bill came out of Regulated Revenues in the House 18 to 0. We didn't even hold a hearing on it. It just extends the regulations division of the liquor commission for the purposes of the sunset requirement. They are a separate division and have to be renewed for the next six years.

Adopted. Ordered to third reading.

Recess.

Out of Recess.

Sen. Monier in the Chair.

ENROLLED BILLS AMENDMENT

HB 9, making an appropriation to cover the 1980 fiscal year deficit in funds appropriated for handicapped education. Sen. Lamontagne for the committee.

SEN. LAMONTAGNE: This amendment is needed to conform the title to the substance of the bill.

Enrolled Bill Amendment to HB 9-FN

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

making an appropriation to cover the deficit
in funds appropriated for handicapped
education for the biennium and repealing RSA 186-A.

Amendment adopted.

HB 425-FN, relative to supplemental appropriations to various departments and agencies, changing the maximum number of off-sale liquor permits allowed, increasing the registration fee for interstate common carriers, providing for the lapsing of interest and the accumulated balance of the contribution fund to the general fund, providing an appropriation for food, fuel and utilities and providing an appropriation for the purchase of state police vehicles. Sen. Lamontagne for the committee.

SEN. LAMONTAGNE: This amendment corrects an error in the amending language of section 6.

Enrolled Bill Amendment to HB 425-FN

Amend section 6 of the bill by striking out lines 2 and 3 and inserting in place thereof the following:

434:20 as amended by 1979, 499:24 by striking out said section and inserting in place thereof the following:

Amendment adopted.

INTRODUCTION OF SENATE RESOLUTION Approved for introduction by the Rules Committee

First and Second Reading, and Referral

SCR 10, honoring Dr. James Duane Squires. (Sen. Monier, Dist. 9; Sen. Chandler, Dist. 7; Rep. Kidder, Merrimack Dist. 1) Referred to Rules and Resolutions.

SUSPENSION OF RULES

Sen. Lamontagne moved the rules of the Senate be so far suspended as to allow SCR 10 to be placed on second reading at the present time.

Adopted.

Sen. Chandler moved adoption of the resolution.

CONCURRENT RESOLUTION

WHEREAS a resolution is the means whereby the General Court of the State of New Hampshire recognizes individuals whose contributions to the State are outstanding, and

WHEREAS Dr. James Duane Squires was one of New Hampshire's most distinguished citizens, serving as a judge, an educator, an author, a lay preacher and an historian and,

WHEREAS for over 35 years he instructed students in the rich heritage of America and particularly New Hampshire and

WHEREAS for 11 years he served as a judge in New London and,

WHEREAS his four-volume history of the Granite State is considered the definitive historical work in this field and,

WHEREAS he was appointed by the President of the United States to the American Revolution Bicentennial Administration and also served on the Bicentennial Council of the Original Thirteen States and,

WHEREAS he gave of himself unstintingly to help his community as president of the New London Hospital, the New Hampshire Council of Churches, the New Hampshire YMCA, the New Hampshire Baptist Convention, as delegate to the Republican National Convention, to the Second Assembly of the World Council of Churches and to the North American Conference on Faith and Order and in service to many other groups and organizations and,

WHEREAS he was active in the American Red Cross and the USO and,

WHEREAS his many published works include definitive histories of his town, his state and all of Western civilization and,

WHEREAS he was honored with the George Washington Honor Medal from Freedom Foundation, the Granite State Award from the University of New Hampshire, the Robert Frost Award from Plymouth State College and many other notable citations and,

WHEREAS he did the state great service by researching and compiling our heritage and preserving it for future generations, therefore be it

RESOLVED, that the General Court of the State of New Hampshire does hereby pay tribute to the memory of the late Dr. James Duane Squires and does hereby recognize and give

thanks for his great contributions to the State of New Hampshire.

Adopted.

RESOLUTION

WHEREAS a resolution is the means whereby the Senate of the State of New Hampshire recognizes individuals whose contributions to the State are outstanding, and

WHEREAS Joe Louis was a true champion who uplifted the heart of this nation in troubled times and,

WHEREAS he inspired by his faithful example the qualities of honor, dignity, good sportsmanship, perseverance and selfless commitment to those less fortunate than himself and,

WHEREAS he was without question the greatest fighter of his time winning 68 fights and losing only three and,

WHEREAS he successfully defended his championship title 25 times and,

WHEREAS he set an example of patriotism which inspired this great country in her time of need by serving in the armed forces in World War II and,

WHEREAS people all over the world saw him as an example of the qualities which make this country great, now therefore be it

RESOLVED that the Senate of the State of New Hampshire does hereby honor the memory of this great American and does hereby express their great sorrow at his passing.

Senator Stephen moved adoption.

Adopted.

RESOLUTION

WHEREAS a resolution is the means whereby the Senate of the State of New Hampshire recognizes individuals whose contributions to the State are outstanding, and

WHEREAS Mrs. Lena A. Read served her community and the State of New Hampshire both as a representative and as a senator and,

WHEREAS she served four terms in the House of Representatives from 1942 to 1950 and a term in the Senate from 1950 to 1952 and,

WHEREAS she also served her community as a member of the Plainfield Church, the Daughters of the American Revolution, the Blow Me Down Grange and the Cornish Eastern Star and,

WHEREAS she was the first woman to serve on a county court jury and the first woman elected to the Senate from Sullivan County and

WHEREAS she is mourned by six children, sixteen grandchildren, forty great-grandchildren and three great-great-grandchildren and

WHEREAS she exemplified the qualities which make our citizen Legislature the most democratic state body in the world, now therefore be it

RESOLVED that the Senate of the State of New Hampshire does hereby express its sorrow at the passing of Mrs. Lena A. Read and does hereby recognize and give thanks for her service to our great state.

Senator Hough moved adoption.

Adopted.

ENROLLED BILLS REPORT

HB 11, making appropriations for the modification of the Mount Washington summit building and to make it accessible for handicapped persons and for the completion of necessary repairs and drainage improvement at the state prison and relative to call provisions in state bonds and the issuance of refunding bonds.

HB 24, removing jurisdiction of county personnel committees in removal hearings involving death.

HB 81, providing for the disposal of personalty from state agency storage rooms.

HB 84, relative to information sharing where arson is suspected.

HB 97, making an appropriation for capital improvements.

HB 285, relative to voting by proxy on matters relating to capital stock conversion of any cooperative bank, building and loan association or savings and loan association.

HB 261, relative to the superintendent of the Strafford county farm.

HB 414, authorizing borrowing by the Lamprey regional solid waste cooperative.

SB 21, enabling cancer patients to obtain marijuana by prescription.

Sen. Lamontagne for the committee.

Sen. Conley withdrew his notice of Reconsideration on HB 56.

ENROLLED BILLS AMENDMENT

HB 223-FN, relative to sunset review of the department of revenue administration — community services. Sen. Lamontagne for the committee.

SEN. LAMONTAGNE: All of these changes to the amending clauses are needed to correct the statutory history of the sections and paragraphs being amended.

Enrolled Bill Amendment to HB 223-FN

Amend section 3 of the bill by striking out lines 2 and 3 and inserting in place thereof the following:

Administration. Amend RSA 41:35, II (supp) as inserted by 1977, 56:1 by striking out said paragraph and inserting in place thereof the following:

Amend section 8 of the bill by striking out line 2 and inserting in place thereof the following:

inserted by 1973, 544:1 by striking out said paragraphs and

Amend section 14 of the bill by striking out lines 1 and 2 and inserting in place thereof the following:

14 Interpretations; Rulemaking. Amend RSA 72:36 as amended by striking out said section and inserting in place thereof the following:

Amend section 18 of the bill by striking out lines 1 and 2 and inserting in place thereof the following:

18 Administration. Amend RSA 77-A:15, III as inserted by 1970, 5:1 as amended by striking out said paragraph and inserting in place thereof the following:

Amend section 20 of the bill by striking out lines 1 and 2 and inserting in place thereof the following:

20 Stamps; Tobacco Tax. Amend RSA 78:9, I (supp) as inserted by 1977, 200:2 by striking out said paragraph and inserting in place thereof the following:

Amend section 21 of the bill by striking out lines 1 and 2 and inserting in place thereof the following:

21 Metering Machine in Lieu of Stamps. Amend RSA 78:11 as amended by striking out said section and inserting in place thereof the following:

Amend section 23 of the bill by striking out lines 1 and 2 and inserting in place thereof the following:

23 Authorization to Affix Stamps. Amend RSA 78:13 as amended by striking out said section and inserting in place thereof the following:

Amend section 24 of the bill by striking out line 2 and inserting in place thereof the following:

1969, 287:2 as amended by striking out said paragraph and inserting in

Amendment adopted.

SUSPENSION OF RULES

Sen. Brown moved that the rules of the Senate be so far suspended as to allow all bills to be placed on third reading and final passage and all titles be the same as adopted and that they be passed at the present time.

Adopted.

Third Reading and Final Passage

CACR 10, relative to initiative petitions.

Roll Call Required on CACR 10.

The following Senators voted yes: Lamontagne, Conley, Freese, Hough, Bergeron, Chandler, Monier, Blaisdell, Mann, Stabile, Boyer, Kelly, Rice, Podles, Sanborn, Stephen, Brown, Lessard, Roy, Preston, and Splaine.

There were no negative votes.

21 yeas 0 nays

Adopted.

SB 139, relative to deregulation of the interest charged on second mortgage home loans and rulemaking authority with regard to second mortgage home loans.

SB 198, relative to liquidity of cooperative banks, savings and loan associations and building and loan associations.

SB 119-FN, relative to sunset review of the New Hampshire municipal bond bank.

HB 1, requiring complete fiscal responsibility in the decommissioning of nuclear electric generating facilities by operating utilities.

SB 81, relative to the purchase of milk.

SB 84, relative to the acquisition of substitute recreation land.

HB 52, establishing an interstate commission on the lateral marine boundary between New Hampshire and Maine and the gauge laws.

HB 327-FN, to regulate the distribution, labeling and sale of agriculture liming materials.

HB 291, relative to the Benjamin Thompson trust fund.

SB 113, relative to Mascoma Valley regional school district school board.

SB 80, relative to certain referendum questions on the ballot.

SB 108, requiring the change of village district boundaries to be initiated by referendum of the registered voters of the district.

SB 123-FN, authorizing an assistant county attorney for Sullivan County.

SB 114, legalizing the Richmond town meeting.

SB 116, legalizing actions taken at the Sandown town meeting.

SB 135, relative to residents and inhabitants.

SB 136, legalizing the proceedings establishing the village district of Eastman and authorizing the issuance of certain bonds of district.

SB 171, allowing Plaistow to vote on certain petitioned zoning ordinances at a special town meeting.

SB 185-FN, relative to a special election in Hooksett.

SB 220, to authorize a Rockingham county personnel commission.

SB 288-FN, relative to tax warrants and extents.

SB 295-FN, prohibiting losers in partisan primaries from running by filing nomination papers.

SB 303, restricting the percentage of an agency budget spent during the last two months of a fiscal year.

SB 304-FN, requiring agencies to report annually on their use of consultants.

HB 493-FN, relative to insurance premium taxes and the establishment of an administrative fund in the insurance department.

SB 89, relative to Medicare coverage for a preexisting condition.

SB 107, relative to court ordered work programs.

SB 57, to regulate the Berlin water works.

SB 83, relative to witnesses at a marriage ceremony and the fee charged for performing such ceremony.

SB 98-FN, lowering the age requirement for eligibility for golden granite state discount cards.

SB 277-FN, providing for the recovery by towns of amounts expended in aid of certain paupers.

SB 286-FN, relative to the sale of prison products and their purchase by state institutions.

SB 191, relative to the termination of child support orders.

HB 294-FN, imposing a penalty for improperly parking in areas designated for handicapped persons.

HB 389, relative to the use of dealer plates on consigned vehicles.

HB 469, relative to the use of emergency signals by emergency vehicles.

HB 400, to permit a waiver of the motor vehicle equipment requirements or prohibitions in automobiles of handicapped persons.

SB 218, relative to the regulation of odometer disclosures.

SB 144, naming the bridge on the road that connects state routes 3 and 175 in the town of Thornton as the Thornton Memorial Bridge.

SB 238, relative to limited use designations for Class VI highways.

SB 292, naming the twin bridges over the Connecticut river on Interstate 93 between the towns of Littleton, N.H. and Waterford, Vt. for Sen. Andrew Poulsen.

HB 189-FN, relative to sunset review of the liquor commission — regulation.

Adopted.

ANNOUNCEMENTS

Sen. Brown moved that the work of the day being completed, that we recess for the sole purpose of An Enrolled Bills Report and that when that business is taken care of we then adjourn the Senate until Tuesday, April 21, 1981 at 1:00 p.m.

Adopted.

Recess.

FRIDAY, APRIL 17, 1981

Out of Recess.

ENROLLED BILLS REPORT

HB 9, making an appropriation to cover the deficit in funds appropriated for handicapped education for the biennium and repealing RSA 186-A.

HB 425, relative to supplemental appropriations to various departments and agencies, changing the maximum number of off-sale liquor permits allowed, increasing the registration fee for interstate common carriers, providing for the lapsing of interest and the accumulated balance of the contribution fund to the general fund, providing an appropriation for food, fuel and utilities and providing an appropriation for the purchase of state police vehicles.

LATE SESSION

Senator Brown moved the Senate adjourn at 3:00 p.m.

Adopted.

Tuesday, April 21, 1981

The Senate met at 1:00 p.m.

A quorum was present.

The prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

O Lord God of our salvation, whom raised our spirits and filled our hearts with joy over Thy Resurrection. Enlighten us this day in order that we may fulfill and accomplish our work with dignity and honor.

Help us Lord!

We also pray for the recovery of Senator Champagne's father and we thank Three for helping our Sergeant-at-Arms, Milo Cheney, who just returned home from the hospital.

Amen

Sen. Mann was excused by the chair.

Sen. Podles led the Pledge of Allegiance.

ANNOUNCEMENTS

INTRODUCTION OF GUESTS

COMMITTEE REPORTS

SB 225-FN, permitting towns to levy a hazardous waste tipping fee. Ought to pass with amendment. Sen. Wiggins for the committee.

SEN. WIGGINS: We had a hearing on this and there was no opposition. It is a good bill. It allows the towns to set up a hazardous waste dumping place and charge fees for those that want to use it. We did amend it and the amendment is on page 11. We recommend passage.

Amendment to SB 225-FN

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

permitting towns to levy
hazardous waste fees.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Declaration of Purpose.

I. The general court hereby finds:

(a) That as a result of past hazardous waste activities, numerous municipalities now face serious impairments to their natural

environment and equally serious threats to public health and welfare. In many cases, these threats and impairments could have been avoided if there had been available properly licensed hazardous waste disposal facilities in the state;

(b) That there are now available numerous technologies which can competently handle and dispose of hazardous wastes in an environmentally sound manner;

(c) That certain areas of the state have land which can accomodate hazardous waste disposal facilities without creating undue risks to persons or property; and

(d) That numerous municipalities would consider locating a hazardous waste treatment facility within their boundaries if they had available enabling laws which would allow them to establish certain fees on the disposal process.

II. The general court hereby declares that the purpose of this act is to provide to municipalities a revenue generating mechanism to be used as a positive incentive to foster the siting of these facilities. It is not the intent of the general court that it should be used as a exclusionary taxation mechanism.

2 New Chapter. Amend RSA by inserting after RSA 147 the following new chapter:

RSA 147-A HAZARDOUS WASTE FEE

147-A:1 Definitions.

I. "Bureau" means the bureau of solid waste management, division of public health services, department of health and welfare.

II. "Disposal" means the discharge, deposit, incineration, injection, dumping, spilling, leaking or placing of any hazardous waste into or onto any land or water so that the hazardous waste or any constituent of the waste may enter the environment, be emitted into the air, or be discharged into any waters including groundwaters.

III. "Disposal facility" means a location at which hazardous waste is subjected to disposal.

IV. "Fee" means the fee imposed under RSA 147-A:2.

V. "Governing body" means the board of selectmen, city council or board of aldermen.

VI. "Hazardous waste" means a solid, semi-solid, liquid or contained gaseous waste, or any combination of these wastes:

(a) Which, because of either quantity, concentration, or physical, chemical, or infectious characteristics may:

(1) Cause or contribute to an increase in mortality or an increase in irreversible or incapacitating reversible illness; or

(2) Pose a present or potential threat to human health or the environment when improperly treated, stored, transported, disposed of or otherwise mismanaged.

(b) Or which has been identified as a hazardous waste by the bureau using the criteria established under RSA 147:50, I(a) or as listed under RSA 147:50, I(c). Such wastes include, but are not limited to, those which are reactive, toxic, corrosive, ignitable, irritants, strong sensitizers or which generate pressure through decomposition, heat or other means. Such wastes do not include radioactive substances that are regulated by the Atomic Energy Act of 1954, as amended.

VII. "Person" means any individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, state, municipality, commission, United States government or any agency thereof, political subdivision of the state, or any interstate body.

147-A:2 Hazardous Waste Fees.

I. A town may, by bylaw, levy a fee on any hazardous waste disposal facility located in the town.

II. The fee may not exceed \$.007 per kilogram (\$.003 per pound).

III. The fee shall be based on the amount of hazardous waste disposed of at the disposal facility for the preceding quarter. The fee shall be paid within 15 days of the end of last month in the quarter.

147-A:3 Payment of Fees; Report.

I. The owner of the disposal facility shall pay all fees to the town treasurer for the use of the town.

II. With each fee payment, the owner of the disposal facility shall submit a report on the amount of hazardous waste received and disposed of at the facility during the month for which the fee is paid. The report shall be made on a form prepared by the bureau.

147-A:4 Fee Imposed by Bureau.

I. If the owner of a disposal facility disposes of hazardous waste but does not pay any fees required under this chapter, the governing body of the town may request the bureau to

report to the town the amount of hazardous waste disposed of at the disposal facility for any month.

II. The town may then notify the owner of the disposal facility of fees due the town and shall provide documentation from the bureau to support the claim. The operator of the disposal facility shall pay all fees due upon receipt of this notice.

147-A:5 Proof of Insurance. When locating in a town, the owner of the disposal facility shall show to the local governing body proof of insurance, including, but not limited to, environmental impairment insurance and liability insurance.

147-A:6 Penalty. Any person shall be guilty of a misdemeanor who:

I. Does not pay a fee imposed under this chapter; or

II. Knowingly gives or causes to be given any false information in connection with any report required to be submitted to a town under this chapter.

3 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted. Ordered to third reading.

SB 213, establishing treble damages for civil actions arising from improper hazardous waste disposal. Ought to pass. Sen. Preston for the committee.

SEN. PRESTON: This bill makes the defendant in a civil action arising of violation of the hazardous waste laws responsible for the amount of three times the actual damages. There was no opposition to this bill. The defendant must first have been found guilty of committing an offense by jury trial and it will convey a very clear message to people that we in New Hampshire are not going to tolerate the infractions in our hazardous waste disposal law.

Adopted. Ordered to third reading.

SB 239, relative to requiring frontage on class V or better highways for the issuance of building permits. Inexpedient to legislate. Sen. Wiggins for the committee.

SEN. WIGGINS: We had a hearing on this and we discussed it and it took in some areas of Class VI highways which are subject to gates and bars and it would have made the town build some of the roads to the highways and we found that it would interfere with some home rule in the cities and towns so we made it inexpedient to legislate.

Adopted.

SCR 8, requesting the commissioner of resources and economic development to name the Nansen Ski Jump after Alf Halverson. Ought to pass. Sen. Preston for the committee.

SEN. PRESTON: The hearing on this bill was strongly supported. This is in memory of Alf Halverson who developed the concept of the Nansen Ski Jump in Milan, New Hampshire and it authorizes the Commissioner to request to name the Nansen Ski Jump in Milan after Alf Halverson.

Adopted. Ordered to third reading.

SB 240, amending and clarifying the law relating to site plan review by planning boards. Inexpedient to legislate. Sen. Wiggins for the committee.

SEN. WIGGINS: We had a hearing on this and recommended that the planning boards go review the sites and things and we found it inexpedient to legislate because with a plot plan they know where it is going to be and so forth and we found it would inconvenience a lot of people.

Adopted.

SB 250-FN, relative to vending services in certain New Hampshire state parks. Ought to pass. Sen. Wiggins for the committee.

SEN. WIGGINS: This would open up the three state parks that are open now to vendors or to be run by the state and these are the only areas that it would take away from the blind and it was taken away two years ago with a footnote on the budget. So we recommend passage of this bill.

SEN. PRESTON: I just want to clarify a point that this is not taking anything away from anybody, in effect it is open competitive bidding, it is open to anyone.

SEN. WIGGINS: That is correct Sen. Preston.

Adopted. Ordered to third reading.

SB 278-FN, relative to the expansion of promotion for the state parks. Ought to pass. Sen. Preston for the committee.

SEN. PRESTON: This bill revises the recreational package plan program of the Department of Resources and Economic Development. It permits private ski area participation and authorizes the Attorney General comptroller to make certain determinations. There was no opposition whatsoever at the public hearing.

SEN. CONLEY: Is there any appropriations involved in this Sen. Preston?

SEN. PRESTON: Good point, Senator. There are no appropriations here but the fiscal impact is very important, I'm glad you asked the question. It will increase state revenues by \$240,000 in 1982 and \$224,000 in fiscal 1983.

Adopted. Ordered to third reading.

SB 121-FN, relative to the commission to develop a statewide water policy and making an appropriation therefor. Ought to pass. Sen. Preston for the committee.

SEN. PRESTON: This continues the commission on establishing a statewide water policy. It reestablishes the commission. It was sunsetted. There was an appropriation of \$5,000 requested.

Adopted. Referred to Finance.

SB 120-FN, establishing a boxing and wrestling commission and making an appropriation therefor. Ought to pass. Sen. Kelly for the committee.

SEN. KELLY: The committee met and took testimony to create this wrestling and boxing commission. We heard

from several members who had previously been involved with the boxing in the state. We were told it was required to insure the safety of both the participants and the public. There was no testimony given in opposition and the committee recommends ought to pass.

Adopted. Referred to Finance.

SB 204-FN, making appropriations to expand the nursing programs at the technical institute and at the vocational-technical colleges. Ought to pass. Sen. Blaisdell for the committee.

SEN. BLAISDELL: SB 204-FN expands the nursing programs at the technical institute and the vocational-technical colleges. It has to do with the technical college in Berlin, the one in Claremont, the one in Manchester and the one in Concord. I'm sure I don't have to stand here and tell you about the problems we have in the nursing programs in our state. The testimony was from expert witnesses from the hospitals of Mary Hitchcock, Concord Hospital and the Catholic Medical Center in Manchester that they are dropping the nursing programs. We feel that we have the colleges and the expertise to run these programs. I feel that this is one of the most important pieces of legislation that will come before this Senate. I could go on about this but I know it has to go to Senate Finance because there is an appropriation. Sen. Kelly, Sen. Lessard and myself ask you to send this on to Finance and give it a good thorough hearing there.

Adopted. Referred to finance.

SUSPENSION OF RULES

Sen. Conley moved that the rules of the Senate be so far suspended as to allow Committee Reports on SB 150, SB 126, SB 254, SB 300, SB 308, SB 276 with only one day's notice of hearing in the calendar.

Adopted.

SB 254, relative to periodic revaluation of property. Inexpedient to legislate. Sen. Sanborn for the committee.

SEN. SANBORN: This was an interesting bill to hear in the committee. It might be better known as a tax assessor's relief bill. If you look at the fiscal note on the back you will see that it would cost the towns approximately \$900,000 this coming year and \$945,000 in 1982. It would require about 30,000 taxable parcels of land to be revalued annually and we didn't feel in Executive Departments at this time that we wanted to tell the towns that they had to take on this much extra taxes just to relieve the poor and defenseless tax assessors, so we found it inexpedient to legislate.

Adopted.

SB 300, authorizing towns and cities to enact rent control legislation. Inexpedient to legislate. Sen. Conley for the committee.

SEN. CONLEY: SB 300 had a long and exhausting hearing. A great many people showed up who testified in what they thought was in favor of the bill. There were many people who were there on the committee who felt that many of the problems that were testified to in fact testified to a situation which could be satisfied by the municipal governments, the town governments in the areas that were in question. The vote in the committee was four to one to bring this bill out inexpedient to legislate and we would hope that the Senate would support that recommendation.

Sen. Stabile moved that SB 300 be indefinitely postponed.

SEN. STABILE: Rent control is not the answer. For the 215 million homeowners who live in their own homes, magic doesn't pay the mortgage. For the rest of us who live in apartments, magic doesn't pay the rent either. But someone promised a magic solution to the problems of rental housing for the poor and the elderly and those trying to live on a fixed income. They call it rent control. I unequivocally say to you today that rent control is not magic either. It's not

the answer in any way, shape or fashion. Most housing and rental housing would not exist today unless private citizens had invested private funds to build that house. Since 1960 some form of rent control has been attempted in more than 200 cities, towns and counties. Most of them have been glad to allow rent control to die when their trial period had ended. We have areas such as Prince George's County in Maryland where since rent control ended, rents have only gone up 5% per year. Lynn, Massachusetts, Miami Beach, Florida, wherever rent control has been imposed there has been immediate impact on the availability of rental units. 8,500 rental units declined in Washington, D.C. in the first three years that they had rent control in Washington, D.C. New York City is a prime example of utter failure of rent control to solve a problem. Owners have been walking away from some of the 30,000 rental units a year since rent control began. Upkeep is virtually impossible with no lid on repair cost. Vandalism, looting and fire incidents has grown as maintenance breaks down. Tenants lose services and maintenances. They are the only variable that can be reduced. You can't change the taxes or the mortgage payments because those are fixed. Owners lose return on their investment and ability and incentive to maintain the property. Owners lose the ability to continue tax and mortgage payments. Tax base declines, since rental property value is based upon return, i.e., if your return is down your tax base or value of the property will be down. Most importantly people that own apartment houses would immediately turn to condo conversion because they would no longer be economically a viable entity for them. They would convert them as quick as they could to get the highest dollar they could immediately. We saw costly examples of this in Cambridge and Brookline. In almost any city where rent control has been imposed the owners of apartment complexes have immediately gone to condo conversion which in turn lowers the number of rental units available to the general public. Future private construction would be drastically reduced. Lending institutions would pull out of controlled areas of new rental construction and therefore you would have no new rental units being built in areas where you have rent control. So if the town of Nashua was to adopt rent control which this enabling legislation would allow, the banks would unequivocally

say we are not going to finance, and insure companies. We are not going to finance rental units in that area because of the fact that they would not be sure they could get a return on their investment, especially if they had to take the property back at a later date. Wherever rental control has been tried it has been proven to be a failure. It has driven private risk capital to other investments. It has failed to help the poor. It has forced owners to disinvest themselves of rental property, often abandoning property to the detriment of the entire community or forcing conversion to other forms of ownership. It has eroded municipal taxes. It has increased the tax burden on the individual home owner. It has created hostility between tenants and property owners. Ninety percent of the problem that we heard about in that committee was zoning problems. They complained because the landlord wasn't fixing this and the landlord wasn't fixing that. Those are zoning ordinances that weren't being enforced by the town. Rent control has not been the answer in Europe, it was not the answer in New York, and it was not the answer in Washington, D.C., it was not the answer in Boston. And I say to you today that it is not going to be the answer in New Hampshire.

SEN. PRESTON: I want to support the motion of Sen. Stabile. In these times of high interest rates it is critical that we have incentives to build more living units, not less. I think in effect this bill could discourage people from making that capital investment so necessarily needed and could result in less rental units and in effect create a problem instead of resolving one. It would have an effect opposite what the bill's sponsor is really seeking.

SEN. SPLAINE: I was only going to make a couple of comments concerning this issue and I will limit myself to that because I realize that this Senate isn't going to approve even the local option rent control this session. This legislation was introduced by myself and Rep. Reed from Portsmouth, and Sen. Rice from Concord, in response to a number of people who contacted us following the decision of the courts on the Allenstown rent control law. About three weeks ago the court ruled that the Allenstown law could not be in effect because there was no State enabling legislation for local rent control. SB 300 only creates enabling legislation on the state level, a guideline for a local govern-

ing body to adopt. Town meetings would be able to adopt it, the board of aldermen or city councils would be able to tie in to the state law. This doesn't have any effect beyond that. I think that the best people to judge whether or not a problem might exist in a town or city concerning high rent or shortages of housing are the local bodies, not twenty-three members in the State Senate or 400 members in the House of Representatives. That's why we introduced a local option legislation. I'm not a real estate person, I'm not a developer, I don't own any apartments. I try to look at this issue very non biasly and it seems to me that we ought to allow that kind of local option rent control. This legislation specifically eliminated any reference to landlords, corporations, developments which might own twenty-five or fewer units. I think that the obvious approach of the legislation consequently was to try to offer relief to people living in complexes owned by large landlords who don't always have just a fair profit motive in mind. They might be exploiting the fact that they happen to have a lot of tenants and are putting up their rents higher than a fair profit motive would allow and this sets up an appeal process where a local governing body could have a rent control administrator or a rent control board. I think that is very realistic as well. Incidentally, I think that the committee had a very good public hearing. I think the people who testified knew what they were talking about and wanted some kind of relief and wanted to see towns and cities have that option to be able to adopt rent control within their own borders, not statewide. I might add that I think Sen. Conley, and I've seen many public hearings in the last twelve years that I have been involved in the legislative process, as chairman of that committee did a tremendous job in holding that public hearing on a day when the committee was really swamped with a number of bills. Just about everybody there wanting to speak had a chance to speak. I know there was a lot of lobbying on this bill in the past week, in particular by developers and it is obvious that it is not going to pass, but I do urge you to consider this kind of approach in two years. I will be voting against the motion.

Adopted.

Senator Lessard wishes to be recorded as not voting on SB 300 under Rule 42.

SB 308-FN, concerning property exempt from taxes and core service charges and making an appropriation therefor. Ought to pass with amendment. Sen. Conley for the committee.

SEN. CONLEY: This bill has been nicknamed the pucker-brush rebellion. It was proposed by the Tax Exemption Study Committee established under Chapter 334 of the 1979 laws, and the gentleman who served on that particular commission put a lot of time and effort into it. However, if you look on the bottom line of the analysis you will see where it will be costing \$895,000 to cover these core service payments to towns and cities. We didn't quite figure that this was the year to consider that kind of expenditure. We tried to save at least part of the bill by incorporating into the amendment the section having to do with the applicability of exemptions. We understand that there is going to be a motion to send this to interim study and the committee heartily concurs.

Amendment to SB 308

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

concerning property exempt from taxes.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Amend RSA 72 by inserting after section 22-a the following new section:

72:22-b Applicability of Exemptions. The property tax exemptions granted by RSA 72:23 and other acts for property owned by governmental, religious, educational, charitable, or other organizations shall be narrowly construed, so as to exempt only that property which clearly meets the statutory

requirements. The exemptions shall apply only to property used directly for the purpose for which the owning organization was established. The burden of demonstrating that any such exemption applies shall be upon the organization claiming an exemption. Where substantial doubt exists whether an exemption applies, the exemption shall be denied.

2 Effective Date. This act shall take effect 60 days after its passage.

Sen. Sanborn moved that SB 308-FN with amendment be sent to Interim Study.

SEN. BLAISDELL: I would like to speak to that motion because I'm one of the puckerbrush kids, I guess. Sen. Conley and I both served on this committee and I would just like to let the Senate know a little bit about this. In the state of New Hampshire we found about \$1,800,000,000 worth of tax exempt property. \$245,000,000 I think is in Nashua, we had Plymouth, we had Keene, we had Concord. I think it is a problem that some day very shortly that this state is going to have to face. I would hope that you would send it to maybe that tax exempt committee again. I think we served all summer long with no mileage or anything I guess, as I remember it. I'm not even welcome in my own church any more. Walter Peterson is not speaking to me. St. Paul's School, I think, will not let me referee over there any more and I think there are quite a few other things that are involved. Really, this is a very important piece of legislation. Manchester by the way, and I may tell the Manchester delegation, doesn't have the slightest idea how much property they have that is tax exempt in their city. I would think that I would want to take a look at that pretty heavily. I know I was amazed when I found out that Nashua had \$245 million. I think I was even more amazed when I found out that the city of Keene had close to \$150 million, Durham about \$230 million. So there is a problem here that I think we are going to have to address soon. I realize the economic impact of \$895,000 but I don't want to just throw the study away. I would like to see it studied. I would appreciate that. I don't know if I will be able to go back to church again Sunday.

SEN. MONIER: Can the Chair take the liberty of saying you left me off your list.

Adopted.

SB 72-FN, requiring agencies to justify any new forms and to review existing rules. Ought to pass with amendment. Sen. Sanborn for the committee.

SEN. SANBORN: These amendments were suggested by the Attorney General's office and the Director of Administrative Procedures and helped to clarify this bill. We have been assured that the adoption of the amendment will remove objections of both the Attorney General's office and Legislative Services. Enrollment 4A of SB 72, we add a new section 3 which will in essence make the bill apply to payroll manifest forms where there is the greatest opportunity for dollar savings, and for job applications. Paragraph b (3) makes it clear that we are applying the law to the general format and not to any individual employee's record. Thus these two amendments allow us to correct the problem without evading the individual employee's right to privacy. The next change in the amendment applies to both SB 72 and SB 74 in sections RSA 541-A:4, I-a, we make two changes. We changed the "Director of Legislative Services shall review" to "may review". We add a new clause to the end saying, however, neither shall the certificate, analysis, or financial impact statement required by this paragraph be used in interpreting the rule in any court, nor shall the absence or inadequacy of these documents affect the validity of a rule accepted for filing. These changes were suggested by the Attorney General so that exceptionists could not bring suit on the grounds that the impact payment was not adequate. The next change in both bills is in (c), where we define the financial impact statement to be a brief statement of the agencies best estimate of the following, by putting this language in they are asking for the information but making it clear that we do not want a costly accounting study of the physical impact, but simply a best estimate. The same change of simplifying the requirement is the purpose of IV. The last change simply amends 177-FN with the date originally intended in the bill. The main reason that we chose the 1982 date is because the Legislature is not usually in session on an even numbered year, thus the pressures would be less on both Legislative Services who has to administer these bills, and also on the various agencies who must comply with these requirements.

Amendment to SB 72-FN

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Forms as Rules. Amend RSA 541-A:1, IV (supp) as inserted by 1973, 507:1 as amended by striking out said paragraph and inserting in place thereof the following:

IV (a). "Rule" shall mean each regulation, standard, form, or other statement of general applicability adopted by an agency to:

(1) Implement, interpret or make specific a statute enforced or administered by such agency;

(2) Prescribe or interpret an agency policy, procedure or practice requirement binding on persons outside the agency, whether members of the general public or personnel in other agencies; or

(3) Collect information on potential or existing state employees, including job applications and payroll forms.

(b) The term "rule" does not include:

(1) Internal memoranda which set policy applicable only to its own employees and which do not affect private rights or change the substance of rules binding upon the public;

(2) Informational pamphlets, letters or other explanatory material which refer to a statute or rule without affecting its substance or interpretation;

(3) Personnel records or completed forms relating to the hiring, dismissal, or promotion or compensation of any individual public employee, or the disciplining of such employee, or the investigating of any charges against him; or

(4) Declaratory rulings.

Amend RSA 541-A:4, I-a, as inserted by section 3 of the bill, by striking out same and inserting in place thereof the following:

I-a. With each rule or group of related rules the agency shall file a certificate of adoption, an analysis, and a financial impact statement. The director of legislative services may refuse to accept for filing any rule which is submitted without these documents. However, neither shall the certificate, analysis, or financial impact statement required by this paragraph be

used in interpreting the rule in any court, nor shall the absence or inadequacy of these documents affect the validity of a rule accepted for filing.

(a) The certificate of adoption signed by the official authorized by statute to make rules, or by the chief executive of an agency authorized to make rules, shall be in the following form:

I, ... (name and title) hereby
certify that the above is a true copy of (a rule) (rules) adopted
by (name of agency)

Date: (Signature)

(b) The analysis shall be a brief objective statement in plain language, which describes the effect of the rule. It shall include a justification of the need for the rule, an explanation of how it protects the public or provides a public service, and the plan for implementing the rule. For emergency rules, the statement required under RSA 541-A:3 may take the place of the analysis.

(c) The financial impact statement shall be a brief statement of the agency's best estimate of the following:

(1) A comparison of the costs and benefits of adopting the proposed rule to inaction and, if applicable, to alternate courses of action;

(2) A conclusion of the cost to the state of adopting or not adopting the proposed rule; and

(3) A conclusion as to the economic impact upon all persons who would be substantially affected by the proposed rule, including an analysis as to which persons would bear the costs of the rule and which persons would benefit directly or indirectly from the rule.

Amend paragraph IV of section 5 of the bill by striking out same and inserting in place thereof the following:

IV. Each agency shall compare the costs and benefits of each form, and its component parts, considering both the effect on the state and the effect on those filling out the form.

Amend the bill by striking out section 6 and inserting in place thereof the following:

6 Dates. Amend 1981, 51:10 by striking out said section and inserting in place thereof the following:

51:10 Time Limit for Existing Rules. Rules adopted by any agency prior to the effective date of this act shall expire on October 1, 1982, except that forms shall expire on April 1, 1982.

7 Effective Date. This act shall take effect on July 1, 1981.

Amendment adopted. Ordered to third reading.

SB 74-FN, requiring agencies to justify any proposed rules and to review existing rules. Ought to pass with amendment. Sen. Brown for the committee.

SEN. BROWN: The amendment is on page 26 of today's calendar and the amendment is really the bill. It is a companion bill to the bill that was just explained by Sen. Sanborn. It explains the certificate of adoption and the analysis of the financial impact statement. It gives the style in which the certificate should be printed and explains that the analysis shall be a brief statement in plain language which describes the effect of the rule. A financial impact statement shall be brief statement of the agency's best estimate of the following:, meaning the cost benefits to the state, to the people, and to whomever it involves. The agency itself shall compare the costs and benefits of each rule considering both the effect on the state and the effect on those the rule applies to. The last part of the amendment which I stated is really the bill, in the sunset bill the existing rules would expire January 1, 1982, this sets it back to October 1, 1982.

Amendment to SB 74-FN

Amend RSA 541-A:4, I-a, as inserted by section 2 of the bill, by striking out same and inserting in place thereof the following:

I-a. With each rule or group of related rules the agency shall file a certificate of adoption, an analysis, and a financial impact statement. The director of legislative services may refuse to accept for filing any rule which is submitted without these documents. However, neither shall the certificate, analysis, or financial impact statement required by this paragraph be used in interpreting the rule in any court, nor shall the absence

or inadequacy of these documents affect the validity of a rule accepted for filing.

(a) The certificate of adoption signed by the official authorized by statute to make rules, or by the chief executive of an agency authorized to make rules, shall be in the following form:

I, ... (name and title) hereby
certify that the above is a true copy (a rule) (rules) adopted by
..... (name of agency)
Date:(Signature).....

(b) The analysis shall be a brief objective statement in plain language, which describes the effect of the rule. It shall include a justification of the need for the rule, an explanation of how it protects the public or provides a public service, and the plan for implementing the rule. For emergency rules, the statement required under RSA 541-A:3 may take the place of the analysis.

(c) The financial impact statement shall be a brief statement of the agency's best estimate of the following:

(1) A comparison of the costs and benefits of adopting the proposed rule to inaction and, if applicable, to alternate courses of action;

(2) A conclusion of the cost to the state of adopting or not adopting the proposed rule; and

(3) A conclusion as to the economic impact upon all persons who would be substantially affected by the proposed rule, including an analysis as to which persons would bear the costs of the rule and which persons would benefit directly or indirectly from the rule.

Amend paragraph IV of section 4 of the bill by striking out same and inserting in place thereof the following:

IV. Each agency shall compare the costs and benefits of each rule considering both the effect on the state and the effect on those the rule applies to.

Amend the bill by striking out section 5 and inserting in place thereof the following:

5 Dates. Amend 1981, 51:10 by striking out said section and inserting in place thereof the following:

51:10 Time Limit for Existing Rules. Rules adopted by any agency prior to the effective date of this act shall expire on October 1, 1982, except that forms shall expire on April 1, 1982.

6 Effective Date. This act shall take effect on July 1, 1981.

Amendment adopted. Ordered to third reading.

SB 94, requiring agencies to include financial impact statements in notices of intended action under administrative procedures act. Ought to pass only if SB 72 and SB 74 do not pass. If SB 72 and SB 74 pass, this legislation is redundant. Inexpedient to legislate. Sen. Conley for the committee.

SEN. CONLEY: I think that the indication is that SB 72 and SB 74 probably will pass and therefore the committee recommends inexpedient to legislate.

Adopted.

SB 276, providing for the recovery by counties of amounts expended in aid of certain paupers. Ought to pass. Sen. Rice for the committee.

SEN. RICE: Last week we passed a similar bill that would have allowed towns and cities in New Hampshire to recover welfare monies from those individuals who have received it if they were able to pay back that municipality. This bill in content is the same. It extends the authority to the counties in New Hampshire and the committee voted unanimously ought to pass.

Adopted. Ordered to third reading.

SB 50, allowing political parties to set their own rules for choosing candidates to fill state senate vacancies. Ought to pass with amendment. Sen. Stabile for the committee.

SEN. STABILE: The committee met and discussed this and there is actually a bill that was introduced in the House that parallels this particular bill. What we have done is come up with a compromise bill which gives us some definitive

rules. I show you this quarter I have. This quarter happens to be the only reason I am standing with you right now and that's how we used to run the primary not too long ago. The rules were written by General Stark, I think, back in 1814 or some time such as that. We have now just taken the rules and given them definitive rules for the primaries which would in the case of a special election give them something to look at and decide how they were going to run it. This bill in it's present amended form allows for us to run a primary in a definitive manner and the committee recommends ought to pass as amended.

SEN. HOUGH: Could I look at that quarter, please? Mr. President, this quarter has two heads on it.

SEN. MONIER: The Senate President would like that for evidence up here.

SEN. STABILE: They made me go to a member of the press and took one of the press's quarters and told me to use it.

Amendment to SB 50

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

revising the manner of nominating certain
candidates for special elections and
providing a method of making
appropriations therefor.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Section. Amend RSA 655 by inserting after section 80 the following new section:

655:81 Nomination of U.S. Representative, Executive Councilor, State Senator and Representative to the General Court. The nomination of candidates for the U.S. House of Representatives or for the executive council or for the state senate or for representative to the general court for special elections shall be accomplished through the holding of special election primaries.

The filing of candidates for such primaries and all other matters connected with such primaries shall be the same as for primaries before a state general election except that:

I. The day the governor and council declare that there shall be a special election shall be the 43rd day before the day of the holding of the primary; and

II. The time for meeting the age qualification shall be at the time of the special election; and

III. The time limits in RSA 655:14 shall be changed to not more than 43 days nor less than 36 days prior to the primary; and

IV. The primary shall be held 35 days prior to the special election; and

V. Supplementary primary petitions may be filed as needed not less than 36 days before the primary; and

VI. The deadline for filing nomination petitions shall be no later than 35 days prior to the special election; and

VII. Under RSA 655:11, the time limit shall be at least 50 days before the holding of a special election primary and no delegates shall be elected; and

VIII. Under RSA 655:12, clerks shall post notices of special election primaries as soon as possible after they are received and the last sentence of such section shall not apply to special election primaries; and

IX. The names of all candidates for a party nomination at a special election primary shall be printed in alphabetical order on the hallot and the same ballot listing shall be used at all polling places where the special primary election is held.

2 Reference Changed. Amend RSA 661:11 (supp) as inserted by 1979, 436:1 by striking out in line 2 the citation "RSA 655:55-655:80" and inserting in place thereof the following (RSA 655:81) so that said section as amended shall read as follows:

661:11 Nomination and Conduct. Where a vacancy as described in this chapter is to be filled by a special state general election, nominations shall be made in accordance with RSA 655:81. The general election shall be conducted in as nearly as practicable the same manner as are regular state general elections.

3 Appropriation. All necessary expenses required to administer any special state election incurred by the secretary

of state shall be paid by the state upon approval of the governor and council from funds not otherwise appropriated.

4 Repeal. RSA 655:55 through RSA 655:80, relative to the nominations for special state election through caucuses and conventions, are hereby repealed.

5 Effective Date. This act shall take effect 120 days after its passage.

Amendment adopted. Ordered to third reading.

SB 79, requiring sessions for correction of the checklist before town meeting. Ought to pass with amendment. Sen. Conley for the committee.

SEN. CONLEY: This bill requires the supervisor of the checklist to hold a session for the correction of the checklist not only before a town election as currently required but also before any special or regular town meeting.

Amendment to SB 79

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 New Section. Amend RSA 39 by inserting after section 1-1-b the following new section:

39:1-c Updated Checklist. An updated checklist shall be used at all town meetings and elections as provided in RSA 669:5.

3 Updated Checklist. Amend RSA 40 by inserting after section 4-e the following new section:

40:4-f Checklist Update. An updated checklist shall be used for all town meetings and elections as provided in RSA 669:5.

4 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted. Ordered to third reading.

SB 95-FN, requiring agencies to submit proposed rules for legislative approval prior to filing a notice of intended action. Ought to pass with amendment. Sen. Sanborn for the committee.

SEN. SANBORN: While this amendment strikes out the entire bill it's changes are merely technical. They have been suggested by the Attorney General's office and the administrative procedures division of Legislative Services are married to make certain that we are shortening not lengthening the time frame for the rule-making process. To make certain that it is understood that financial impact statements shall simply be the agency's best estimate not costly accounting studies and to make certain that potential litigants cannot use this Sen. Stephen, or the downtown Manchester Association. of the financial impact statement or the rule-making process. The amendment also brings SB 95-FN into conformity with SB 72 and SB 74 which have already passed so that if all three are enacted into law, as we hope they will be, there will be no conflict between their respective divisions. The bill also clarifies the process when there is a dispute between the two branches of the Legislature or their respective committee chairmen. A great deal of research has gone into this amendment and yet I can assure the committee that it improves the bill without changing the basic concept.

Amendment to SB 95-FN

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Legislative Approval of Proposed Rules. Amend RSA 541-541-A by inserting after section 2 the following new sections:

541-A:2-a Notification Required.

I. At least 30 days before any agency gives public notice of its intended action under RSA 541-A:3, I(a), the agency shall send notification to:

- (a) The speaker of the house of representatives; and
- (b) The president of the senate.

II. This notification shall include a copy of the rule as it is proposed for adoption, amendment or repeal, an analysis and a financial impact statement.

(a) The analysis shall be a brief objective statement in plain language, which describes the effect of the rule. It shall include a justification of the need for the rule, an explanation of how it protects the public or provides a public service, and the plan for implementing the rule. For emergency rules, the

statement required under RSA 541-A:3 may take the place of the analysis.

(b) The financial impact statement shall be a brief statement of the agency's best estimate of the following:

(1) A comparison of the costs and benefits of adopting the proposed rule to inaction and, if applicable, to alternate courses of action;

(2) A conclusion of the cost to the state of adopting or not adopting the proposed rule; and

(3) A conclusion as to the economic impact upon all persons who would be substantially affected by the proposed rule, including an analysis as to which persons would bear the costs of the rule and which persons would benefit directly or indirectly from the rule.

541-A:2-b Legislative Committee Approval Required.

I. All proposed rules must be approved within 30 days by a majority of a quorum of both standing legislative committees as provided in RSA 541-A:2-d before the agency may give notice of its intended action under RSA 541-A:3.

II. A quorum of a legislative committee is a majority of the members of the committee.

III. This section shall not apply to:

(a) emergency rules adopted under RSA 541-A:3, II;

(b) the adoption, amendment or repeal of an agency form;

(c) a rule designated solely to bring the language of an existing rule into conformity with a statute which has been changed or adopted since the adoption of such rule, to bring the language of an existing rule into conformity with a controlling judicial decision, or to comply with a federal requirement;

(d) declaratory rulings;

(e) rules adopted by the personnel commission under RSA 98; and

(f) rules adopted by the department of administration and control under RSA 8.

541-A:2-c Waivers. The speaker of the house and the president of the senate may agree to waive the approval required under RSA 541-A:2-b upon request of the agency proposing the rule.

541-A:2-d Procedure for Legislative Committee Approval.

I. Upon receipt of the notification required under RSA 541-A:2-a, the speaker of the house shall forward the notification to the house committee which has legislative jurisdiction over the subject matter of the rule for review by that committee.

II. Upon receipt of the notification required under RSA 541-A:2-a, the president of the senate shall forward the notification to the senate committee which has legislative jurisdiction over the subject matter of the rule for review by that committee.

III. Within 30 days of receipt of notification by the speaker of the house and the president of the senate, the legislative committees charged under RSA 541-A:2-d, I or II with review of the proposed rule may, by majority vote of a quorum of the committee as defined in RSA 541-A:2-b, II:

- (a) Approve in writing the proposed rule; or
- (b) Reject in writing the proposed rule.

IV. In deciding whether to approve or reject a proposed rule, a legislative committee shall consider:

- (a) Whether the proposed rule is within the scope of the enabling legislation; and
- (b) The advisability, merit, and impact of the proposed rule.

V. If a legislative committee rejects a proposed rule, it may inform the agency in writing of the reasons for its rejection and recommend changes required for approval. After the agency has made the changes required by the legislative committee for approval, the chairman of the committee may approve the rule. Upon approval of the rule by the chairman, the agency may give notice of its intended action under RSA 541-A:3.

VI. If a legislative committee does not approve or reject a proposed rule within 30 days of receipt of notification by the speaker of the house or the president of the senate, the proposed rule shall be deemed approved by the legislative committee.

2 Time Limits. Amend RSA 541-A:3, I (supp) as inserted by 1973, 507:1 as amended by striking out said paragraph and inserting in place thereof the following:

I. Prior to the adoption, amendment or repeal of any rule, the agency shall:

- (a) Give at least 30 days' notice of its intended action. The notice shall include a statement of either the terms or substance of the intended action or a description of the subjects and issues involved, and the time when, the place where and the manner in which interested persons may present their views on the proposed action. The notice shall be mailed to

the director of legislative services and to all persons who have made timely request of the agency for advance notice of its rulemaking proceedings. The director of legislative services shall maintain and publish a register of notice of rulemaking proceedings which shall be open to public inspection. The required 30 day notice period shall begin to run on the date of publication in the register.

(b) Afford all interested persons reasonable opportunity to submit data, views or arguments in writing in accordance with the terms of the notice. Opportunity for oral hearing shall be granted if requested in writing at least 15 days before the date set for intended action by 25 persons, by a governmental subdivision or agency, or by an association having not less than 25 members, or if the agency's rulemaking authority requires an oral hearing. The agency shall consider fully all written and oral submissions respecting the proposed rule. If final rulemaking action does not take place on the date set under subparagraph (a) for intended action, the agency shall give notice under RSA 91-A:2 of the next rulemaking proceeding, but need not give further notice under this chapter. Upon adoption of a rule, the agency, if requested to do so in writing by an interested person either before adoption or within 30 days after adoption, shall issue a concise statement of the principal reasons for and against its adoption, incorporating its reasons for overruling the considerations urged against its adoption.

(c) At least 10 days prior to the date of the intended action, if, as a result of considering written comments or comments made at a public hearing, the agency wishes to amend a proposed rule which has received legislative approval under RSA 541-A:2-d, the agency shall petition the chairman of the legislative committees which approved the proposed rule. In the petition the agency shall briefly describe the proposed changes. If both chairmen approve the agency petition, the agency may adopt the rule. A chairman of a committee may:

(1) Approve in writing an agency petition for a proposed change; or

(2) Reject in writing an agency petition for a proposed change.

(d) If a committee chairman does not take action under subparagraph (c) on an agency petition before the date of the

intended action, the petition shall be deemed approved by the committee chairman.

3 Time Limits. Amend RSA 541-A:3, II as inserted by 1973, 507:1 by striking out said paragraph and inserting in place thereof the following:

II. If an agency finds that an imminent peril to the public health, safety or welfare requires adoption of a rule in fewer than 30 days' notice and states in writing its reasons for that finding, it may proceed without prior notice or hearings or upon any abbreviated notice and hearing that it finds practicable, to adopt an emergency rule. The rule may be effective for a period of not longer than 120 days, but the adoption of an identical rule under the provisions of paragraph I is not precluded.

4 Filing Within 3 Months of Adoption. Amend RSA 541-A:4, I (supp) as inserted by 1973, 507:1 as amended by striking out said paragraph and inserting in place thereof the following:

I. Each agency shall file in the office of the director of legislative services a copy of each rule adopted or issued by it including all rules existing on the effective date of this chapter. All rules shall be filed with the director of legislative services within 3 months of the adoption of the rule. At the time of filing, the rule so filed shall be accompanied by each of the following:

(a) A certificate of adoption signed by the agency official authorized by statute to make rules, or by the chief executive of an agency authorized to make rules, in the following form:

I, ... (name and title)
hereby certify that the above is a true copy of (a rule) adopted
by (name of agency) on
..... (date)
Date: (Signature)

(b) A separate document containing an analysis of the filed rule, or group of related rules, which includes a brief description of the substance of the rule and the specific reasons necessitating the rule. The absence or inadequacy of the certificate or analysis required by this paragraph shall not affect the validity of a rule accepted for filing by the director of legislative services.

5 Rule Effective Upon Filing. Amend RSA 541-A:4, II (supp) as inserted by 1973, 507:1 as amended by striking out said paragraph and inserting in place thereof the following:

II. Each rule adopted by an agency shall be effective upon filing. When filing an emergency rule, the agency shall file a brief statement describing the reasons for the adoption of the emergency rule. The agency shall take appropriate measures to make emergency rules known to the persons who may be affected by them.

6 Effective Date. This act shall take effect on July 1, 1981.

Amendment adopted. Ordered to third reading.

SB 126, relative to the color of ballots used in absentee voting. Ought to pass with amendment. Sen. Stabile for the committee.

SEN. STABILE: The committee met on this particular issue. The problem basically was that small towns of 200 to 300 voters where they only had as few as two or four absentee voters, when you used a different color ballot this different color ballot was really identifiable during ballot counting time and somebody could generally tell how that person, or a whole family in the case of Brookline, New Hampshire, if the whole family happened to go away and everybody knew those four people who had gone to Florida and they knew how they voted. So what we have done with this piece of legislation is to take and make the ballot look the same. The amendment was put on at the recommendation of the Secretary of State that on the ballot it be stamped "Absentee Ballot" in a conspicuous spot but it would not be noticeable by the public during vote counting. The committee recommended unanimously that it ought to pass.

Amendment to SB 126

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Absentee Ballots. Amend RSA 656:33 (supp) as inserted by 1979, 436:1 as amended by striking out said section and inserting in place thereof the following:

656:33 Official Absence, Religious Observance, and Disability Absentee Ballots. Prior to any state election, the secretary of state shall prepare, in such quantity as he may deem necessary, absence, religious observance, and disability absentee ballots in the same form as nearly as practicable as the official ballot to be used at said election. Said absentee ballots shall have the words "absentee ballot" printed on them and shall be similarly endorsed and printed on paper of the same color as that used for official ballots.

2 Overseas Citizens Ballot. Amend RSA 656:34 (supp) as inserted by 1979, 436:1 by striking out said section and inserting in place thereof the following:

656:34 Official Overseas Citizens Federal Election Absentee Ballot. Prior to any federal election, the secretary of state shall prepare, in such quantity as he may deem necessary, overseas citizens federal election absentee ballots as nearly as practicable in the same form as the official ballot to be used at said election. Said ballots shall have the words "official overseas citizens federal election absentee ballot" printed on them and shall be similarly endorsed and printed on paper of the same color as that used for official and absence and disability ballots. Such ballots shall provide for voting absentee only for candidates seeking election to federal offices and for no other candidates.

3 Constitutional Amendment Question. Amend RSA 656:37 (supp) as inserted by 1979, 436:1 by striking out said section and inserting in place thereof the following:

656:37 Constitutional Amendments. Whenever a question to voters related to a proposed constitutional amendment is printed on a special and separate ballot as provided in RSA 663:3, the question shall also be printed on a separate absentee ballot of the same color as the ballot used for constitutional questions by in-person voters, shall be included with each absence and disability or armed services absentee ballot and shall have printed on it the words "absentee ballot."

4 Non-State Election. Amend RSA 669:27, I (supp) as inserted by 1979, 410:1 by striking out said paragraph and inserting in place thereof the following:

I. Official absent voting ballots, with the words "absentee ballot" printed on them, similar in form to the official ballot to be used at said election, and similarly endorsed and printed on paper of the same color as that used for official ballots;

5 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted. Ordered to third reading.

SB 150-FN, authorizing special assessments to help finance public improvements. Ought to pass with amendment. Sen. Conley for the committee.

SEN. CONLEY: This bill authorizes the legislative body of the city of Keene to levy a special assessment not exceeding 50% of the cost of any public improvement on the property specially benefited thereby. Such improvements may not be limited to a development district. A public hearing is required after notice has been given to all persons against whose land the special assessment is to be levied. The amendment that was put onto this bill was to specifically refer to the city of Keene only in this particular instance, and for any further information I would defer to Sen. Blaisdell.

SEN. BLAISDELL: First of all I want to thank Sen. Conley's committee for doing a great job on this bill, I realize it is a controversial subject but this is a referendum, I think everybody can read that into the bill. The amendment says that it is only for the city of Keene, it doesn't affect Manchester Sen. Stephen, or the downtown Manchester Association. It is only for the city of Keene. The city of Keene and the people of the city of Keene would be the ones to see whether this is implemented.

Amendment to SB 150-FN

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

authorizing special assessments to
help finance public improvements in
the city of Keene.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 City Council Power to Access. The city council of the city of Keene shall have the power to determine that not exceeding 50 percent of the expense of any public improvement shall be defrayed by special assessments upon the property especially benefited and shall so declare by resolution. Such resolution shall state the estimated cost of any improvement, what proportion of the cost of any improvement shall be paid by special assessments, and what part, if any, shall be a general obligation of the city, the number of installments in which special assessments may be paid, and shall designate the districts or land and premises upon which special assessment shall be levied.

2 Special Assessment Procedure. The city council of the city of Keene shall prescribe by general ordinance complete special assessment procedure concerning plans and specifications, estimate of costs, notice and hearing, the making of the special assessment roll and correction of errors, the collection of special assessments, and any other matters concerning the defraying of costs of such an improvement by the special assessment method.

3 Referendum. At the city election to be held in the city of Keene in November 1981, the city clerk then in office shall cause to be included on the ballot the following question "Shall the provisions of An Act of the General Court of 1981 authorizing the city of Keene to make special assessments on property benefited by any public improvement be adopted?" Adjacent to this question shall be printed the word "Yes" and the word "No" with a box immediately opposite each word in which the voter may indicate a choice. If a majority of the voters voting on this question shall vote in the affirmative, this act shall be declared to be adopted. The city clerk shall within 10 days after said election, certify to the secretary of state the results of the vote on the question.

4 Effective Date. Section 3 of this act shall take effect upon its passage, and the remainder of this act shall take effect as provided in section 3.

Amendment adopted. Ordered to third reading.

Senator Sanborn in the Chair.

SB 182, authorizing municipalities to establish a self-insurance loss fund. Inexpedient to legislate. Sen. Bergeron for the committee.

SEN. BERGERON: This is a bad bill. We heard testimony from one group of people, the sponsors did not show, did not testify. No one present knew why we needed the bill. As I say, the group that did appear were opposed. There were no funds, no guidelines, no testimony, no nothing, so we just felt it was a bad bill.

Adopted.

SB 101, relative to liability and accident and health insurance forms. Ought to pass. Sen. Bergeron for the committee.

SEN. BERGERON: This bill was requested by the Insurance Department and it is primarily for conformity in forms rather than have 700 insurance companies running around with 700 different forms this standardizes all forms.

Adopted. Ordered to third reading.

SB 110, allowing insurers to offset unpaid premiums from amounts owed on claims. Ought to pass with amendment. Sen. Champagne for the committee.

SEN. CHAMPAGNE: This bill would allow an insurance agent to deduct premiums from claims that are paid under the policy. The amendment restricts such payments to first party policies and not the third parties. We recommend passage.

Amendment to SB 110

Amend RSA 402:77 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

402:77 Retention of Unpaid Premium. Any insurance company, broker or agent may retain an amount equal to any unpaid premium due on the policy under which a claim is being presented, in connection with claims by and settled with an insured; provided, however, that the unpaid premium remains unpaid 60 days after the effective date of such policy or the date of the original billing for the unpaid premium, whichever occurs later. Such unpaid premium shall not be retained as against any loss payee or mortgagee named in said policy up to

the amount of the unpaid balance owed to such loss payee or mortgagee on the date the loss occurred which gave rise to said claim. This section shall not be applicable to a health insurance policy.

Amendment adopted. Ordered to third reading.

SB 91-FN, to make Martin Luther King's birthday a legal holiday. Inexpedient to legislate. Sen. Roy for the committee.

SEN. ROY: The committee was unanimous after a lengthy deliberation on whether or not there should be a particular date set aside to honor this great American, Martin Luther King. The fiscal impact for a legal holiday on state employees alone was something in the range of \$200,000. We certainly would encourage the Governor of the state of New Hampshire to commemorate Martin Luther King's birthday on January 15th each year.

SEN. SPLAINE: I certainly appreciate the situation the committee found itself in and respect the committee's decision. I would be opposed to seeing this legislation inexpedient to legislate but in light, in particular, of the editorial this morning I did want to make a couple of comments concerning the effort for a national holiday and a state holiday for Martin Luther King. I think that this effort is a very good one, honoring a very distinguished American who happened to be black. This effort to recognize Dr. King as a state holiday has found it's place in fifteen states throughout this country, including Massachusetts and Maine, and a number of large southern states as well. I think this effort will continue. For thirteen years, ever since five days after the assassination of Dr. King in April of 1968 legislation has been pushed nationally and Sen. Ted Kennedy is leading the effort currently in Congress. I think this is a very respectful effort and eventually will succeed. This is one way to honor not only a great man but also the Black people who have contributed much to our country. I suggested at the committee and I think that this may be an approach that could be undertaken by legislation in the future as similar legislation goes to an interim study committee in the House, I suggested that we see if we may be able to set up a commemoration in the schools, officially, on the state level encouraging guidelines,

not mandating but encouraging guidelines from the Board of Education, and State Department of Education, so that the principles of peace and understanding and love that Dr. King so eloquently betrayed would be able to be passed on to the youth of your state. Rev. Henley, one of the people testifying and pushing this legislation for the last two years, I think put the issue very well when he pointed out that Black children today here in New Hampshire and in most parts of this country don't have statues of Black citizens to look up to. They don't have a special holiday honoring Black people to look up to. Even though racism is something that all of us want to fight and have to fight every day in many different ways, racism as Rev. Henley pointed out is not a problem for the Black people, racism is a problem for the white people. It is a problem that we as whites have to take some initiative to try to fight against. Prejudice is something that is inborn, very often, and is something that is going to necessitate continuing efforts. I do respect the committee, the committee's work on this issue, the committee's deliberation. And for those people who have supported this type of legislation and the Legislators from the House who co-sponsored this, there were 18 of them, I suggest that we will be back and eventually succeed.

Adopted.

SB 177-FN, increasing the interest rate on judgments. Inexpedient to legislate. Sen. Brown for the committee.

SEN. BROWN: SB 177-FN is inexpedient to legislate because the sponsor has requested that it be withdrawn because the contents are in SB 247 which will be coming up later this afternoon.

Adopted.

SB 232, extending the study commission for an impact survey on the removal of advertising devices and the appropriation therefor. Ought to pass. Sen. Brown for the committee.

SEN. BROWN: This bill, although it is only a small bill, has quite a history. Through the years, through the different ses-

sions that I have been here we have had a continual concern in relation to advertising along the highway, everything from billboards to signs. Two years ago Sen. Rock decided that the best thing to do to try to resolve the problem would be to set up a committee to study the impact of these signs along the highways and to also work in conjunction with the highway beautification act that was passed in Washington by Lady Bird Johnson and that group. To comply with that a committee was set up to study this impact. Unfortunately, we all know what happened to Sen. Rock. The committee had just one meeting, an organizational meeting, and they weren't able to complete their mandate and their duties and nothing was done from that point on. So what this bill does is it extends that committee for the next two years to do exactly the same thing it was intended to do then, the impact, as I explained, plus it has an appropriation of \$100. What the \$100 is for I don't know but it does ask to carry that along for the next two years.

SEN. SANBORN: Sen. Brown, is there any new money in that?

SEN. BROWN: No, there is not. This \$100 was appropriated two years ago and I assume it has not lapsed and there is nothing in the bill that says it should or should not lapse. No wait, it says "said appropriation shall not lapse until June of 1983".

Adopted. Ordered to third reading.

SB 151, relative to outdoor advertising. Inexpedient to legislate. Sen. Brown for the committee.

SEN. BROWN: SB 151 creates a whole new chapter in outdoor advertising repealing all the present laws that exist today. It is quite comprehensive. Ten different people testified, nine testified in opposition. The only one who testified in support of the bill was the sponsor. The committee found it inexpedient to legislate.

Adopted.

SB 142, relative to the enforcement powers of agents of the liquor commission. Inexpedient to legislate. Sen. Brown for the committee.

SEN. BROWN: SB 142 is written by the liquor inspectors. They want the same powers that the county sheriff would have. They want to be authorized to carry firearms. It was testified that the main purpose was that they wanted to get into Group II which is considered a hazardous group which gives them more protection. The Liquor Commission testified that the Commission now has the right to provide them a firearm if necessary. It was also testified by numerous people that they are not supposed to get involved in violence but to see that the licenses are posted correctly, that the dues are paid and he doesn't need a gun to do that sort of thing. The committee found it inexpedient to legislate.

Adopted.

CACR 6, relative to the right to bear arms. Ought to pass. Sen. Conley for the committee.

Senator Conley moved a floor amendment.

SEN. CONLEY: The amendment which is put on the table this morning is the result of perusal of this bill just before coming to the floor today. We found that Legislative Services has again made an error in the bill and this corrects the error in it so that the wording is appropriate for the change in the Constitution. This Constitutional amendment reaffirms that all persons have the right to keep and bear arms in defense of themselves, their family, their property, and the state. It simply spells out that we believe that the New Hampshire Constitution should have a similar provision to that of the federal Constitution. The federal courts, on several occasions, have interpreted the Second Amendment as imposing a limitation on the national government only and therefore does not speak to the States' rights. Thirty-seven states have Constitutional provisions guaranteeing the right to bear arms. Thirteen states have no Constitutional provisions and in the New England states only the state of New Hampshire has no such provision. This subject matter ap-

peared on a ballot in the year 1978 and narrowly missed passage. 160,628 people believe that we should amend the Constitution and 87,807 voted no. In other words, we had a 65% vote where we needed a 66-2/3% vote. When that many people favor a proposition I believe we ought to give them the right once again to support the inclusion of the right to bear arms in our State Constitution. I would hope that the Senate goes on record as supporting this amendment to our state Constitution as amended here in this constitutional amendment.

Amendment to CACR 6

Amend article 2-a, part first, as inserted by paragraph I of the resolution by striking out same and inserting in place thereof the following:

[Art.] 2-a. [The Bearing of Arms.] All persons have the right to keep and bear arms in defense of themselves, their families, their property and the state.

Amendment adopted.

Roll Call.

The following Senators voted yes: Lamontagne, Conley, Freese, Hough, Bergeron, Chandler, Wiggins, Monier, Blaisdell, Stabile, Boyer, Kelly, Podles, Sanborn, Stephen, Brown, Champagne, Lessard, Roy, and Preston.

The following Senators voted no: Rice, and Splaine.

20 yeas 2 nays

Ordered to third reading by necessary 2/3 vote.

SB 246, relative to the use of force in defense of premises. Ought to pass. Sen. Conley for the committee.

SEN. CONLEY: SB 246 was heard in committee and the vote of ought to pass was unanimous. This bill clarifies existing law and broadens the right to use deadly force in defense of a person's home. Our clear intent in filing this bill is to provide a protective statute for homeowners attacked in

their dwellings by persons to commit murder, robbery, burglary, rape, or arson. We wanted to get back to the notion that one man's home is his castle. This is an expanding of the provisions of RSA 627:7. Under permissive laws and permissive society the criminal felt no risk in breaking into a home. This law will do much to alter that. Now there is a decided risk. People will now be supported by the law when they repel burglars with guns or other weapons such as: an axe, a club, a knife, a desk drawer, a baseball bat, an andiron, a poker, a lamp, a screwdriver, an icepick, a hammer, an iron frying pan, a chair, high heel shoes, etc. So there are a number of ways you can defend yourself in your home without resorting to a gun. This concept is being passed in many states in the nation today, not the least of which has been the new law in Pennsylvania where the Governor was most explicit in his support of such a law in signing it. Also in the state of Maine they have had this bill in effect for the law several years, and as a matter of fact the state of Maine is currently trying to even increase the deadly force bill which they currently have on the books. I think it is about time that we took the license to kill away from the criminal and gave the opportunity for the homeowner and the law-abiding citizen of this state to protect themselves in their own home and I suggest that the Senate pass this expeditiously.

SEN. MONIER: I would like to rise in strong support of this bill. I think that many of us forget that it has only been in the last twenty-five or thirty years that the sanctity of the home and the protection of the property rights of others have become a second class to the idea of civil liberties. This bill clarifies the existing law and broadens the right to use deadly force in defense of a person's home. And I repeat Judge Samens case in England stated back in 1604 "that a man and one is to him as to his castle and his fortress as well as for his defense against injury and violence as for his response." To this day most people still regard their homes as cherished sanctums into which strangers or legal rulers may enter. These priorities survived in Massachusetts until 1975 when the state charted a new course in the law of self defense. This bill adds an amendment which has been missing in our permissive society for several decades, the ancient right of a person to defend his home. Our clear intent in filing this bill is to provide a protective statute for homeowners attacked

in their dwellings by persons intending to commit murder, robbery, burglary, rape, or arson. We want to get back to the notion that one's home is one's castle. The Civil Liberties Union and other liberal groups have opposed this type of law in other states and in many cases they have felt that this permissive laws and permissive societies, the criminal felt no risk in breaking into a house. This law would do much to alter that and now that there will be a decided risk, people now will be supported by the law when they defend themselves and their property. It's about time.

Adopted. Ordered to third reading.

CACR 11, relating to the state mandating and assigning programs and responsibilities to towns, and other political subdivisions. Ought to pass. Sen. Bergeron for the committee.

SEN. BERGERON: CACR 11 is nothing more than what I think each and every member of this Senate has been saying, if you cannot afford the program don't mandate them onto someone else. This CACR simply states that it prohibits the state from mandating or assigning any programs or responsibilities to the local communities without providing money to carry them out.

Roll Call Vote.

The following Senators voted yes: Lamontagne, Conley, Freese, Hough, Bergeron, Chandler, Wiggins, Monier, Blaisdell, Stabile, Boyer, Kelly, Podles, Sanborn, Stephen, Brown, Champagne, Lessard, Roy, and Preston.

The following Senators voted no: Rice, and Splaine.

20 yeas 2 nays

Adopted. Ordered to third reading by necessary 2/3 vote.

SCR 9, urging the Congress of the United States to amend the United States Constitution to prohibit federally mandated programs without federal funds. Ought to pass. Sen. Bergeron for the committee.

SEN. BERGERON: Here again this is just another little innocuous piece of legislation or resolution that simply states what we wouldn't do to someone else what we wouldn't want done to us. It simply urges the Congress to stop mandating programs that they are not going to fund.

Adopted. Ordered to third reading.

SB 243, relative to investing state pension funds in home mortgage markets. Ought to pass. Sen. Roy for the committee.

SEN. ROY: The bill before you authorizes the board of trustees of the New Hampshire Retirement System to invest up to 10% of the Retirement System Fund into the home mortgage market. Under the bill the Retirement System purchases a 90% participation interest in a package of conventionally financed home mortgage loans selected by their board. The mortgage money is then distributed to a board of trustees, by the board, to designated New Hampshire housing lending institutions. Preference is given to members of the New Hampshire Retirement System and under the program home mortgage loans may be made only to New Hampshire citizens. The committee was unanimous in its decision to bring the bill before you as ought to pass. We hope you will support it.

SEN. BLAISDELL: How times have changed. I spoke to Sen. Trowbridge last evening and told him that this bill was going to come on the floor today. This is a theory that Sen. Trowbridge and a few of us in Senate Finance brought out about six years ago and as I can remember I thought they were going to take us all and tar us. But as I say, I support it. I think it is an excellent idea and I hope it passes.

SEN. MONIER: I don't know who is going to take Sen. Blaisdell out and tar and feather him but the answer was that most of the people, I think, would support this kind of thing. This bill authorizes the board of trustees of the New Retirement System to invest not more than 10% of the Retirement System funds in the New Hampshire home mortgage market through New Hampshire lending institutions. Preference in receiving mortgages would be given to the state employees, teachers, policemen, and firemen, who are members of the New Hampshire Retirement System. The most of us felt that

we could utilize their money to assist them in the tight mortgage market and the tight home-building market that exists. The bill authorizes the Board of Trustees in cooperation with New Hampshire lending institutions involved to set interest rates for these mortgages below normal rates for home mortgages as long as the Board follow prudent investment policies and does not jeopardize any solvency of the fund. Connecticut, Massachusetts, and Texas have started similar programs because financially strapped banks are turning away from the mortgage market and high interest rates have decreased home building across the nation. In our state this is just one more indication of what innovative banking can do to help the state and those who participate in it's own pension plan. Buying a home today is a difficult task and this infusion of money from the New Hampshire Retirement System will offer at least a measure of help. I might add it offers a measure of help primarily to our state employees and those that are in the Retirement System. The mortgages financed by the Retirement System will of course be backed by the individual homes for security. The return will be excellent and more, I might add, than what is required by law. The degree of risk cannot be beat. It's one of the best bills that we have seen come forward with this kind of an approach in which we try to help our own state family and at the same time utilize our own retirement funds, and at the same time assist in what is a declining home market in terms of construction and in terms of mortgage money, particularly for the young.

SEN. BLAISDELL: Just to show the impact of what this is going to have on the mortgage market, just 10% of the Fund amounts to how many millions of dollars?

SEN. MONIER: I think it is something like \$20 to \$40 million.

SEN. BLAISDELL: Right around \$30 million, you are certainly right Senator.

SEN. MONIER: \$34 million I understand from my expert over here.

Adopted. Ordered to third reading.

SB 260-FN, relative to state employees receiving a service retirement allowance after 30 years of creditable service. Inexpedient to legislate. Sen. Brown for the committee.

SEN. BROWN: If everyone will look at the fiscal impact I think that is all that has to be said as to why the bill is inexpedient. I really don't know why my name is on the bill. It was sent up to me with my name and Sen. Monier's. We still don't know who put it in under our names, but it is inexpedient to legislate.

Adopted.

SB 285-FN, establishing a state employee productivity incentive program. Ought to pass with amendment. Sen. Brown for the committee.

SEN. BROWN: This is an incentive program for state employees. It has been a statute in the state of North Carolina since 1978, if there is a savings in industrial work from the thoughts and ideas and so forth it is a return in savings to not the employee but the state. This is Sen. Freese's bill. He is quite committed with it and I will defer to him for further explanation.

SEN. FREESE: We have done quite a lot of research on this bill with Legislative Research and this is a very similar bill to one that has been in effect in North Carolina, as Sen. Brown has mentioned, since 1978. It is working out very well there. There are a few differences that we feel are improvements in this proposed legislation compared with the North Carolina bill. The overseer committee will include the Governor or his designee, the state comptroller is to be named chairman, the state personnel director, the President of the Senate or his designee, the Speaker of the House or his designee. The second difference in the bill is that the North Carolina bill had no provisions for what to do with the savings that would occur from the production incentives and they never were able to find the money that was left to the department, so any surplus comes back to the state and goes into the General Fund so it can be trapped. The third difference is that the department heads shall be responsible for disseminating information relative to the program and to their respective employees encouraging their participation. This did not appear in the North Carolina bill. The percentage that North Carolina used for the bonus was 25%. This bill starts it at 20% and adds on 5% per year for a period of four years and then the

bill is repealed automatically. The bill worked out well for the state and new legislation had to be instituted. The reason we started at 20% and added 5% each year is that we were told by North Carolina that each subsequent year that this is in effect it becomes more and more difficult to find any savings and this is an extra incentive for them to do that. The amendment comes about because through some oversight this bill was scheduled to start in July 1, 1982. The amendment simply starts it July 1, 1981, which is this year. An example of some of the savings that have been made in North Carolina averaged from \$60,000 to \$117,000 and more. This breaks down into the departments share of \$250 to \$585. I hope you will see fit to give this a try for the state. I think it does create incentives for the individuals to try to come up with some savings and it also, I think, would lift the morale in these years of prosperity.

Amendment to SB 285

Amend section 3 of the bill by striking out same and inserting in place thereof the following:

3 Effective Date. Section 1 of this act shall take effect July 1, 1981. Section 2 of this act shall take effect July 1, 1985.

Amendment adopted. Ordered to third reading.

SB 296, relative to enterprise zones. Ought to pass with amendment. Sen. Conley for the committee.

SEN. CONLEY: This bill is patterned after federal legislation introduced by Rep. Jack Kemp of Buffalo, N.Y. It provides for the designation of enterprise zones in areas of high unemployment. New businesses employing at least 25 persons would be encouraged by substantial tax incentives to locate in these zones. Likewise, existing businesses in the zones would be offered the incentives to expand. Municipalities would be offered the option of reducing local property taxes for qualified businesses. The counties of Coos, Carroll, and Grafton would be automatically established as enterprise zones. Other zones would be designated by the director of the division of economic development with the approval of an enter-

prise zone committee appointed by the Governor, the President of the Senate, and the Speaker of the House. In the enterprise zones the new businesses which qualify would be given a total exemption to the business profits tax for the first year of operation, an 80% reduction in the second year, 60% in the third year, 40% in the fourth, and 20% in the fifth. Any municipality which chose by a popular referendum to offer local property tax reductions could reduce property taxes on the same sliding scale. This bill will stimulate the creation of new plants and the expansion of existing employment opportunities in areas of our state which have been materially affected by a high rate of unemployment and a decline in the vitality of economic life. Through this legislation we hope to allow young people in these areas to find work in their home towns instead of having to move to areas of greater economic opportunity. We request that the Senate give positive consideration to this piece of legislation.

SEN. BROWN: I rise in strong support of SB 296, the enterprise zones bill. As the Senator has stated, the bill presently in Washington, and I was in Atlanta at a seminar on it, was originally intended for the urban cities but they did have a seminar on how it would refer to the rural areas and to how it would stimulate the economy. I believe that the three northern counties in the state of New Hampshire are well deserving of it. They need to stimulate the economy up there and with these incentives I think it will be very, very encouraging and enticing to some of the small businesses of 25 people or more, if they don't already live there to move there. There is a good labor pool there. I think it would be very well worth their while.

SEN. PRESTON: Sen. Conley, would it be conceivable that a business in Manchester that was thriving and very successful could move its operations to Berlin, as an example? And take advantage of this situation and maybe deprive Manchester. Or is this for new businesses only?

SEN. CONLEY: I think this could be for only new businesses but I wouldn't be positive about it Sen. Preston, but my recollection is that it would be for new businesses in the area or businesses that are already in that area and want to expand.

SEN. PRESTON: Then if I am to vote for this I am voting on the basis that that could not take place?

SEN. CONLEY: That's right.

SEN. MONIER: I just want to rise in very strong support of this bill. We think that it probably is at least a partial response to the problem that has plagued New Hampshire for some period of time, and that is distance, transportation, large rural space populations with small nucleated, ancient but very useful industrial areas. The problem in New Hampshire of growth, which no one has discussed in terms of total state, is that our growth problem is primarily in the south. We have spent many, many dollars, and many, many study committees in attempting to discover some way by which you can legally and properly control that. One of the ways, of course, is to provide an incentive for movement into areas where there is no growth or a lack of growth and as a result the young people are leaving. This is one of the solutions that we felt would be possible to take care of some of the state problems rather than just dealing with the emotionalism of growth, overlap, too many people, etc. I would like to commend this bill to the Senate as a positive approach to some of our problems. I would urge us all to assist in passing this bill.

SEN. LAMONTAGNE: I too rise in support. Being from one of the counties I would like to point out to the Senate that up north we do have the labor pool available and at the same time it is really urgent for some help up north. For instance in the city of Berlin there are 400 homes for sale and most of these people are moving down to a southern part of the state because there is more work here than there is in the northern part. I urge you to vote for this bill. We need the help up north and we hope that you will give it to us.

Amendment to SB 296

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Declaration of Purpose. It is a policy of the New Hampshire general court to promote the development, growth and expansion of private enterprises within the state. There are areas in the state which need the particular attention of govern-

ment to help attract private sector investment. These areas are materially affected by a high rate of unemployment which has led to a decline in the vitality of economic life and has led to the emigration of the areas' young people to places with greater economic opportunity. It is therefore the purpose of this act to stimulate business and industrial growth in the depressed areas of this state. In this act, the general court gives to the director of economic development, department of resources and economic development with the approval of the enterprise zone committee, the authority to designate enterprise zones. The general court offers incentives for businesses to locate in areas of high unemployment, during the years when the businesses are getting started. These incentives are designed to promote economic revitalization.

Amendment adopted. Ordered to third reading.

SB 290, providing that joint committees be made up of equal numbers of members from the senate and the house. Ought to pass. Sen. Monier for the committee.

SEN. MONIER: In this particular bill, which has been put in by both the Majority and the Minority leadership, is a bill to follow up on what we started four years ago, which under the constitution applies to both Houses of the General Court. If those members of the Senate who were here two years ago will recall, one of the things that we had as a pledge from all members of the Senate and I thank the Minority leaders for supporting it as honored, was that it be equal but separate bodies of the General Court as our Constitution predetermined we should be. I can remember sitting many times in the House and many times in the Senate on Committees of Conference in which there was always a miracle superiority and never an opportunity for the Senate to have an equal voice. If you will remember one of the arguments that was made and in the correction and the recodifying of the Joint Rules last year, we straightened this out to where every Committee of Conference now has two equal bodies sitting, regardless of the number of people. In this particular bill, what we have done is after careful research through the Senate office of all of us on this summer, these are the last Committees in which the Senate does not have equal representation. When

I use the word equal representation, and I'm being very careful how I use it, I am talking about an equal voice. You cannot have numerical, all they would have to do in the House, which they have never done and I don't imply that, is to appoint twenty-five people and you automatically numerically could be out of kilter. On this particular thing, however, on these which are statutory bills, this particular bill, SB 290, restores equality in terms of voting to the Senate and the House on the committees. Two of them are very serious committees, they are the Advisory Budget Control Committee and the Fiscal Committee, in which I am amazed that we ever passed these in the first place because in my opinion, and here I am now quoting as we do from our legal friends on the floor, "They are unconstitutional." I do not know what the House will do with this bill. I do know that it is my intention to attempt, during this term, to bring us to an equal, separate, but equal body. The Legislative Committee on Elderly Affairs, the Halfway House Advisory Committee, the State University Study Committee, and the Advisory Board of the Bank Commissioner, are the only six remaining unequal, and by this I mean in which the Senate and the House have unequal status in terms of the assignments and responsibilities in carrying out the functions. I urge that this be an unanimous vote in order to restore to us what the Constitution provided us in the first place, in which I believe has been over the years a matter of accumulation, not at all a direct attempt by any House to control the other.

Roll Call requested by Sen. Hough.

Seconded by Sen. Monier.

The following Senators voted yes: Lamontagne, Conley, Freese, Hough, Bergeron, Chandler, Wiggins, Monier, Blaisdell, Stabile, Boyer, Kelly, Rice, Podles, Sanborn, Stephen, Brown, Champagne, Lessard, Roy, Preston, and Splaine.

There were no negative votes.

22 yeas 0 nays

Adopted. Ordered to third reading.

CACR 9, relative to the composition of the general court. Inexpedient to legislate. Sen. Brown for the committee.

SEN. BROWN: CACR 9 requests a unicameral Legislature. Sen. Splaine wants to do away with the twenty-four members of the Senate. He wants to abolish the Senate. The state has done quite well for quite a number of years. People are flocking from all over the nation to move here. We are the envy of the rest of the nation in my opinion, and I think we have done pretty good under the two House system. So therefore let's make it inexpedient to legislate.

SEN. SPLAINE: I introduced this legislation very seriously because I think that this year this effort is going to be the beginning of a four year effort on the part of those of us who believe that a unicameral legislature for New Hampshire would be a wise move. We do have a Constitutional Convention coming in 1984 and I think that possibly, if the voters approve of it next year when it is on the ballot, then I think that at that time this kind of legislation would stand a realistic chance. I do think that it needs public note and we have to begin to consider the benefits of a unicameral legislature compared to a bicameral legislature like we have now. Currently only one legislative body in this country, for a state, has a unicameral legislature, Nebraska. But there are a number of cities throughout this country which have unicameral legislatures with city councils, boards of aldermen, boards of supervisors, many cities which are larger than our entire State's population. I think there is certainly precedent in the kind of concept of having a unicameral legislature. The one major argument I hear in favor of having a bicameral form of government is that it gives us some sort of a check and balance. Well the concept of check and balance in government is supposed to be between the Judiciary, the Legislative, and the Executive. You have that with a unicameral legislature and I think you have it very ideally with the unicameral legislature. I'm not going to say too much more on this, I know that we have a heavy calendar, but I think that a couple of other key points are: that with a unicameral legislature, particularly if we were to do away with a twenty-four member body and maintain a four hundred member body, perhaps a little smaller, with a unicameral legislature the influence of lobbyists is much deluded. You don't have bills

passing one legislative body which may have 400 votes in favor and then they come to another legislative body, which in our case might have twelve in favor, but thirteen votes out of an entire legislative assembly of 424, thirteen votes can eliminate a piece of legislation, can defeat it. I looked around the Chambers earlier today for supporters on this concept and one of those who had supported a unicameral legislature some years ago, Sen. Chandler, isn't going to support it today. The other member of the Senate who I have been siding with on a couple of CACR's today, isn't going to support it today. I appreciate the opposition that we as Senators might lend toward abolishing our own body but I think that the concept is one that certainly should be looked into. I urge you in the coming four years, because some of us might be members of the Con-Con if we do have one in 1984, I urge you to take a look at Nebraska and consider the potential benefits of a unicameral form of government for New Hampshire rather than having this duplication of effort, double spending of money, duplication of staff, that we see here in New Hampshire.

SEN. CONLEY: How many members are there in the Nebraska unicameral legislature?

SEN. SPLAINE: There are forty-nine. I didn't introduce legislation to pattern after Nebraska but there are forty-nine. They call themselves Senators.

SEN. CONLEY: That's what I was going to ask you.

SEN. SPLAINE: We could do that too.

Sen. Monier moved that CACR be indefinitely postponed.
Adopted.

SB 226, requiring financial disclosure by all members of the general court. Ought to pass. Sen. Brown for the committee.

SEN. BROWN: SB 226 says that the members of the General Court, both the House and the Senate, will by the end of January 2nd, state their occupation. No prices, no figures, no nothing, just site their occupation, how they make their livelihood. It is now presently a rule of the House, it is not a statute.

SEN. HOUGH: I rise to speak against the committee report on SB 226. I didn't like this subject two years ago and

I like it even less today. I have no interest at all in voting favorably on a bill that does no more than state one's sources of income, passing this into the House where considerations of past House rules may or may not be endorsed on to the bill. In the last week I have been reading Andy Anderson's book as I am sure most of us have, and in it throughout our history there was always consideration, and I refer now to our Constitution and where it speaks to qualifications of a Senator and in the black book under Article 29, "providing nonetheless that no person shall be capable of being elected Senator who has not of the age 30, who shall not have been an inhabitant of the State for the seven years preceding his election, and that the time thereof shall be an inhabitant of the District from which he shall be chosen, and such persons after election cease to be an inhabitant from which he was chosen he shall be disqualified to hold the position and a vacancy shall be declared therein." The note under there also indicates that a former requirement for a Senator, and I am speaking to this body, was that a Senator shall be of the Protestant religion. Now that was taken out in 1877. That allowed me to come, I guess, to the Senate as well as some of my colleagues. The other requirement was that "each be seized of a freehold estate in his own right of a value of 200 pounds lying within the state." That was taken out of the qualifications in 1852. I'm not sure what 200 pounds is but that might disqualify me at this point. The point is this, we are talking really about qualifications of being a Senator, in this instance. We have an age requirement and we have a requirement relative to living in the District, and I think that is sufficient. We are a citizen legislature and I don't think we need to go any further in terms of that. All of us have to work in other endeavors. What one does is immaterial. The people have made this decision. They make it every two years. To pass a piece of legislation, even to indicate where one's sources of income are is something that I think is contrary. The people of lower Grafton county make a judgment on me and I can live with that. They can have all the information they want by asking me but I don't think that I should have to state to the Clerk of the Senate how I make my living. I am a citizen legislature I'm not a professional politician.

SEN. CHANDLER: I agree with my distinguished colleague and the position that he has taken on this piece of legislation. Most everyone in my district knows me and knows my sources of income and I don't think it is necessary to reveal them to the Senate Clerk and I don't think anybody here should have to reveal the sources of his income. If he had some secret undercover source of income he probably wouldn't reveal it anyway. Or if it was an income derived from something illegal he probably wouldn't run for the Senate in the first place. I don't believe that we should necessarily have to reveal the principle source of income. A man might have his principle source of income that might come from a farm and he might have some other source of income which he wouldn't have to declare which might not be to his constituents liking. I agree with my fellow Senator, I think this bill should not be passed.

SEN. WIGGINS: I'm in agreement with my two colleagues because as of April 1, I'm going to live off the government and I would be ashamed to list that as my personal source of income, seeing as I retired April 1st. The people in my area and my county know that I have been in industry and I managed Federal Machine and they are where my principle source of income used to be.

SEN. SPLAINE: I wish to speak in favor of this legislation and in favor of the committee report. Two years ago I sponsored legislation which was rejected by this body and apparently this one is going to be also, that would have done a little more than this. I still believe that we should be listing all sources of income. House members, Governor's Council members, the Governor, and the State Senators should be listing all sources of income in excess of \$300. But at least the House Rule that was approved two years ago that the House members follow listing principle sources of income is a move in that direction. We are supposed to be, I thought, responsive to the public's interest not our own and the best way to allow the public to know that we are here representing the public's interest is to list what our own interest is. This is the effort behind this kind of legislation, co-sponsored by Sen. Boyer and myself and a couple of House members, and I think it is very good toward that end. Why not follow the lead taken by a number of other states? Massachusetts among them. To try to bring some kind of sunshine and some

sunlight into the legislative process. If we don't have anything to hide, and we probably don't, then let's show it.

SEN. LAMONTAGNE: I rise in support of this bill. I'd be glad to make known my salary, which is running into a deficit, my legislative salary. At the same time I don't mind telling the public that coming down from Berlin I have to take \$10.52 out of my pocket because I have to pay for my room and pay for my meals. Sometimes I'm lucky enough to get a meal free and I don't mind making that public too. This \$100 I'm getting a year, I'm really seriously telling you I'm running in the hole.

SEN. MONIER: Are you trying to enlarge your independent democrat group? I notice that you have Sen. Splaine and Sen. Boyer with you this time.

SEN. LAMONTAGNE: Senator, I hope you understood that I was speaking as a minority to the minority of the independents.

SEN. BOYER: I would like to say that I am proud to be able to be in such company as Sen. Lamontagne and Sen. Splaine, and I didn't spend the week reading Mr. Anderson's book. However, I agree with Sen. Splaine that if truly we have nothing to hide, and I don't think any of us do, that it would be refreshing for the public to hear that as a public policy passed by this Senate.

SEN. BROWN: I would like to speak as Chairman of the Internal Affairs Committee. I think every session that I have been here we have had a bill similar to this in all types of forms and regulations and so forth. Through the years we have killed it, every session that I know of. The last couple of sessions we have been called everything from the Dirty Dozen, etc. Would you believe me, colleagues, that if you were to change this committee report I wouldn't be offended in the least?

SEN. MONIER: Mr. President, one of the things we could do of course, very simply because I have no feelings about this bill one way or the other, everybody knows I live off my wife so it doesn't matter, is we could run down through the Senate instead of polling them and ask them what they do. For example, we know what Sen. Lamontagne does, he freeloards on meals over at the Highway Hotel. We know what Ray does, he lives off our Sergeant-at-Arms. I don't know what George does, and Ralph has already said it is none of

my business. I think you can solve the problem very simply, each one of us could write this out and hold a grab bag and find out who it was who had a position that was different from the rest. I personally am going to vote for the bill, only because perhaps it will still those activist voices that for five years have been telling us that we have to tell them what we do when they already know what most of us do.

SEN. BERGERON: If I propose my press badge as an amendment to the bill, would you still feel the same way?

SEN. MONIER: Yes, I would, and Sen. Preston and I have an amendment that would go with your amendment, which will be coming shortly.

SEN. BERGERON: Well that's strange bedfellows.

Sen. Blaisdell moved the previous question.
Adopted.

Roll Call requested by Sen. Lessard.
Seconded by Sen. Lamontagne.

The following Senators voted yes: Lamontagne, Conley, Freese, Bergeron, Wiggins, Monier, Blaisdell, Stabile, Boyer, Kelly, Rice, Podles, Sanborn, Stephen, Brown, Champagne, Lessard, Roy, Preston, and Splaine.

The following Senators voted no: Hough, and Chandler.

20 yeas 2 nays

Adopted. Ordered to third reading.

SB 134, relative to summary judgments. Ought to pass. Sen. Champagne for the committee.

SEN. CHAMPAGNE: The bill eliminates the requirements that a motion for summary judgment be sent both the opposing council and the opposing parties. All other motions are sent to just the opposing council and that would make a motion for summary judgment the same as any other motion. The committee recommends ought to pass.

Adopted. Ordered to third reading.

SB 141, relative to the disqualification of a probate judge. Ought to pass. Sen. Chandler for the committee.

SEN. CHANDLER: This bill allows a person whose chief source of income is being a probate judge to serve if he is not in an adjacent county. The way it is now, if a probate judge of one county is unable to serve for one reason or another he can be replaced by a judge from a county who is in an adjoining county. This removes that restriction and allows him to be replaced by any probate judge in the state. The committee was unanimous in a vote of ought to pass.

Adopted. Ordered to third reading.

SB 140, concerning the compensation of acting probate judges. Ought to pass. Sen. Boyer for the committee.

SEN. BOYER: This bill changes the compensation allowed acting probate judges who sit when there is a vacancy in the Office of Probate Judge, from \$100 a day plus expenses to the same compensation received presently by Superior Court masters plus expenses. There was no opposition to the bill. The committee was unanimous and it was reported out ought to pass.

Adopted. Ordered to third reading.

SB 152, relative to shoplifting and warrantless arrests. Ought to pass. Sen. Boyer for the committee.

SEN. BOYER: This was sponsored, incidentally, by all the members of the Senate and created a crime of willful concealment and shoplifting. It also provides that a merchant may detain if he has reasonable grounds that an individual has committed one of those offenses. Further, it provides that a police officer may arrest without a warrant if he believes that a crime has been committed in his presence. There was some opposition to the bill but most of the testimony was in favor of the bill and it was reported out ought to pass unanimously.

Adopted. Ordered to third reading.

SB 159, prohibiting photography and television coverage in any courtroom. Inexpedient to legislate. Sen. Splaine for the committee.

SEN. SPLAINE: This bill prohibits photographing during a court session and television coverage. We had a number of people testifying opposed to the legislation. Judges now have the prerogative and they have strict guidelines that they do follow in allowing any kind of coverage by photography or television coverage during court. We considered, by unanimous vote, that this legislation is simply unnecessary and an unwise infringement on the press.

Sen. Roy moved that the words "ought to pass" be substituted for the committee report of "inexpedient to legislate."

SEN. ROY: If the motion is successful I will be submitting an amendment to it. First of all I want to make it perfectly clear that we love the press, we need the press. If it wasn't for the media while we are so involved here in Concord I would hazard a guess that perhaps the constituents, at least back in my district, would have very little knowledge really of what we are doing. We are so busy and haven't got the possibility of doing that. I have become concerned since a court in the western part of the state did permit television coverage and that is simply because we have so many hesitant witnesses, if you will. People who do not want to get involved in the court proceedings today, and I think that to permit them to have to sit as a witness, even as a defendant who is there not guilty until proven guilty etc., I think it can be very intimidating and harrassing. In talking with a young woman who is in the television field who said to me the other night at an affair, "You are trying to keep us from the courtroom." And I said, "That is the furthest from my desire, you know you are even as television coverage, permitted there are reporters with recorders and what-have-you." In talking with her she had to agree that indeed it can be intimidating. They recognize that they have to warm up the people that they are interviewing prior to putting them in front of the camera. I would submit to you that if there is this kind of opportunity in the courts and for justice to be done for both the defendants as well as the person who is

sitting there as witness in the chair, I feel very strongly that it should not be left to anyone's discretion, that we should just simply not permit television cameras and crews and hot lights and what have you, in the court room.

SEN. CHAMPAGNE: I rise in opposition to Sen. Roy's motion. It has only been a few years that the courts and the news media have been able to work out a solution to allow photographs and television coverage of court rooms and in my opinion that has been used very, very sparingly in the state of New Hampshire. When it has been used it has been used, as I understand it, not as a show but as a coverage of an issue. Most often the legal profession is accused of wheeling and dealing and doing it behind the scenes and this exposes that sort of thing and we should not change that position at this point. I urge you to vote against Sen. Roy's motion.

SEN. BOYER: I rise in opposition to Sen. Roy's motion and second Sen. Champagne's comments. In regard to this, as he points out, it has only been a few years now that the courts and the press, including the television media, have been able to work out a satisfactory solution. What exists now essentially is an unwarranted discrimination against the television media in the court rooms. I really question whether or not the right of freedom of press, which includes the television media, the right to one's individual public trial, is not being infringed here. I think the fear that was expressed by the sponsor of the bill is appropriate in that it might create a carnival atmosphere but I believe that there is no greater risk of television media creating a carnival atmosphere than having court rooms open to the public creating a carnival atmosphere and judges have been able to control that with the exception of isolated incidences. I think it is very important and I feel somewhat unique in that being a lawyer we are often criticized from hiding from the public the litigation process in the court room procedure. This is one bill that would open it up even more to the public. I ask that we defeat the current motion.

SEN. ROY: I think that I would just like to comment that I don't have concern for the lawyers who are in the court room, nor the judge at the dais, nor even for those individuals who are sitting on jury, because they have support on either side, moral support. My concern is for any one sitting in that witness chair.

SEN. MONIER: I feel that we are dealing with half the problem here. My understanding is that Sen. Roy has moved ought to pass on SB 159 over a committee report of inexpedient to legislate. I think everybody in the Senate ought to take a quick look at SB 159 right now because SB 159 which everyone is speaking to primarily says "an act prohibiting photography and television coverage in any courtroom." Sen. Roy's intention as I understand it, I cannot speak for her, but because of the rules you must accept the ought to pass in order for her to amend the bill. I think the Chair ruled that. The amendment, that I know will be forthcoming and is why I will vote for Sen. Roy's motion, is simply that the only thing that is going to be prohibited is television cameras. Photographers are not being barred, the press is not being barred. I therefore am not being harsh, Sen. Boyer, but I think those things are extemporaneous at this point. I would not accept the bill in it's original form and I would agree with Sen. Boyer, but if you take photography and the press out of it and leave only the television cameras, believe me, I would very happily support this bill with that amendment, simply because I think that Sen. Roy's concern is not in anticipation of trying to suppress the press in any way whatsoever but to protect witnesses who are intimidated, particularly by national TV. If any of us have ever watched national TV they need to be struck down from this kind of nonsense. They are more interested in the sensationalism. They are more interested in trying to create the news than they are in trying to prevent it. I would not accept the bill in it's original form as submitted by Sen. Lamontagne and Sen. Roy but since I believe very firmly, and she is willing to speak to this, that her amendment will take care of my objections to it, I strongly support that we give it an ought to pass so the amendment can see some daylight.

SEN. LAMONTAGNE: I rise in support of Sen. Roy's motion to substitute ought to pass. Personally my feeling has been that this has happened in one of the courts in this state and I happened to see it and I didn't like it. I felt that the privacy of the family, who unfortunately had someone go to court on a criminal charge or it could be something else, was invaded. This has happened to many, many families. I personally feel that the protection of privacy of the people is important. As Sen. Roy said, right now it is hard to get

someone to take the stand to be a witness, possibly for a person who is not guilty, and therefore without the person being on the stand that certainly it makes it pretty hard for this person to be found innocent. You can't get people to go as witnesses. As far as I'm concerned I don't like to see attorneys defending before the general public. I think that this is only going to be a show on TV. I feel that it is going to create the court to become a circus. There was an editorial about me that mentions that I didn't do my homework. I'm not interested in other states, I'm interested in my state, the State of New Hampshire that I love. I will do anything to help. I don't like to see these shows and there are many people I have talked with who agree that TV should be out. There is a proposed amendment that Sen. Monier has mentioned and I'm sure that it is going to correct the bill that is before you. I think, if you only give it a chance, if you listen to the amendment, if you don't like it you can vote it down but if you do like it you can also vote for it.

SEN. CHAMPAGNE: If what you are interested in is privacy, what's the difference between allowing a camera to take a picture and allowing a TV camera to take a picture?

SEN. LAMONTAGNE: When a camera appears it is right out to the public. Before the press under the right-to-know law had the right to be there, I want you to know that at least the judge will give his sentence before the newspapers will go out of the court room and therefore the people will read the truth. If you have the camera on the individual and then a lot of people see it and then he is found not guilty, I think it is embarrassment for the family.

SEN. CHANDLER: I'm on the Judiciary Committee. I was present at the hearing and listened to the testimony very carefully and made my decision on what I thought to be the facts. I felt that the testimony indicated strongly that the situation is under much control here in the state by the State Bar Association. The State Bar Association has considered this and even issued a pamphlet on it and they make it very strong that they will allow no circus atmosphere. They will allow no disruptions. They will allow no TV cables, and so forth and so on, in the court. It would have to be done under strict supervision and approval by the judge in advance. They have studied it and come up with rules and regulations to govern their own members. Every lawyer in the State is a

member of the New Hampshire Bar Association and they have all agreed to this and if anything should happen the Bar Association would crack down on this and bring it to a halt. If there was any protracted trial, a murder trial or anything like that and they tried to sensationalize it, the Bar Association would have it stopped. I think if any Senator had been at the hearing and heard the testimony they would agree with the position that was taken by the committee.

SEN. BOYER: I would like to respond to a couple comments, particularly Sen. Monier's comments concerning television as opposed to photography. I really don't see any difference in terms of privacy in particular as to television coverage and photography coverage, or in that matter news coverage in regard to the question of interpretation or misinterpretation that may occur from any type of media coverage. It is more likely that television coverage will be more timely and more accurate because it's real time and it is doing it at that particular moment, there is no room for interpretation. The safeguard here is the judges and there is just as much room for abuse whether there is television coverage or not for any type of media being present.

SEN. SPLAINE: I would just like to do some summing up as one of the members of the committee. I'm glad that Sen. Chandler spoke because I think he put it very well and into perspective when he pointed out that the Bar Association has some good guidelines. The key thing that we have to remember is that the judges are not going to allow their courts to reflect a carnival atmosphere which was one of the concerns of the sponsors and even the amendment is half of the bill. I urge you to join with the committee in defeating this bill.

Roll Call requested by Sen. Champagne.

Seconded by Sen. Blaisdell.

The following Senators voted yes: Lamontagne, Conley, Freese, Bergeron, Wiggins, Monier, Stabile, Kelly, Podles, Sanborn, Brown, and Roy.

The following Senators voted no: Hough, Chandler, Blaisdell, Boyer, Rice, Stephen, Champagne, Lessard, Preston, and Splaine.

12 yeas 10 nays

Adopted.

Sen. Roy removed a floor amendment.

SEN. ROY: The amendment will prohibit television coverage in any court room while the court is in session.

SEN. CHAMPAGNE: For the same reasons that we had before, I believe this amendment would prohibit television from court rooms, and with all the statements we went through on the previous motion, I urge that this amendment be defeated.

SEN. BOYER: I rise in opposition to the passage of this amendment, again for the same reasons. Now instead of discriminating against television and photographers we are just discriminating against television. Again I suggest to you that the courts have been able to limit and reduce the carnival atmosphere from any type of coverage and from public attendance which is a far greater risk of a carnival atmosphere. I would urge defeating this amendment.

SEN. CONLEY: Sen. Roy, would this stop the people who use the television equipment or the commentators, for instance, from making side remarks while the television is in operation in a court room?

SEN. ROY: Yes it would.

SEN. CHAMPAGNE: That is in fact not allowed under the rules we have today anyway, isn't that correct?

SEN. ROY: You could be right.

SEN. MONIER: I rise in reluctance to this because I didn't realize we were going to have any kind of a floor fight on this. I think what I have to say once again is that while I agree that you have handled it very nicely in the court room and that the judge has the right, and the New Hampshire Bar Association has set the rules and so forth and so on, that that is not the question that Sen. Roy has proposed. Sen. Roy is saying that there are people, regardless of whether the Bar Association sets the rules or the judge allows it or not, or whether they use a portable TV or not, or whether they use flood lights or not, that are intimidated by the very fact that they are on camera. Now let's get to the nub of it and quit worrying about whether a committee report is overturned or not. The truth of the matter is, and I just want every one of you to sit here and think about it a minute, we talk here

differently because we are in control. I've watched some of you on TV and believe me, you don't act the same way. And you know it and so do I. Let's stop kidding ourselves. The TV is something else. We are all a little bit of a ham and there are also some of us who are scared of it. If you don't think so I will start around the room naming some Senators who were asked if they would like to be on TV conferences and they said no, no way. Now what Sen. Roy, I think, is trying to do, and I had not been aware of this until just a few minutes ago or earlier, the effect is she is trying to protect the witness who may be intimidated. That could affect justice in the court room. I can't understand what a court lawyer is standing up here and arguing against it for, under any circumstances. I did not support the bill when it had press, journalism, photography, and etc. in it because that is an infringement of the press. It is not an infringement on the TV press people that they shouldn't be there for the intimate details. You already have rules against obscenity, otherwise let's move it into the bedroom. What kind of nonsense is this?

SEN. LAMONTAGNE: I rise in support of the amendment on this bill. Personally I feel that one thing it is going to do is it is going to take a lot of pressure off the Superior Court judge. I think that the judge has enough in his work to judge whether the person is guilty or not guilty without being on TV. It is going to take pressure off the judge to make a law where it is against the law to have television in court rooms.

SEN. BOYER: I would just like to point out that I'm not concerned whether the committee report is overturned and that is not why I am speaking today. As to whether I'm a courtroom lawyer or not or a trial lawyer, is irrelevant. The fact of the matter is that there is no reason to discriminate against any part of the press whether it be the photographers, newspapers, or the television. I suggest that the reason people may be intimidated is not because of the particular media involved but because of the process itself, the court room process. Believe me, it will not be any more difficult nor any easier to get witnesses to come to court. That is a problem and it always will be a problem. As far as taking pressure off a Superior Court judge, I suggest that we shouldn't take the pressure off a Superior Court judge. All the more reason that there should be television coverage, so that the judge feels that the public is taking an interest and that he is under

public scrutiny. The only reason you wouldn't want coverage there is because you don't want the public to see what is going on. Privately, as a person, sure, I'd rather not have that immediate attention on me. I would rather be in the calm of my office to make those types of decisions, but whether that is fair to the public, I doubt that very much.

Sen. Bergeron moved the previous question.
Adopted.

Floor Amendment to SB 159

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

prohibiting television coverage in any courtroom.

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Television Coverage Prohibited. Amend RSA 490 by inserting after section 4-a the following new section:

490:4-b Television Coverage Prohibited. All television coverage of proceedings taking place in courtrooms of the supreme, superior, district, municipal or probate courts is prohibited while court is in session.

Sen. Boyer requested a Roll Call.
Seconded by Sen. Monier.

The following Senators voted yes: Lamontagne, Conley, Freese, Bergeron, Wiggins, Monier, Stabile, Kelly, Podles, Sanborn, Brown, and Roy.

The following Senators voted no: Hough, Chandler, Blaisdell, Boyer, Rice, Stephen, Champagne, Lessard, Preston, and Splaine.

12 yeas 10 nays

Amendment adopted. Ordered to third reading.

SB 165, relative to the penalty for unlawful operation of a motor vehicle by an habitual offender. Ought to pass. Sen. Lessard for the committee.

SEN. LESSARD: Under the current statutes, if you had been certified by the courts as being a habitual offender and you are then picked up for driving a motor vehicle, you can be sent to the State Prison for between one and seven years. Under this bill it would provide the term to be served in the County House of Correction rather than the State Prison, where the prisoner could arrange for work release. It was felt that there is a substantial cost of serving time in the State Prison rather than in the County House of Corrections. It would be less hardship on the family of the prisoner if the prisoner could go out and work during the daytime and serve the time at night and on weekends. The committee report was three to two.

Adopted. Ordered to third reading.

SB 196, relative to the composition of the administrative committee of the municipal and district courts. Ought to pass. Sen. Champagne for the committee.

SEN. CHAMPAGNE: The Administrative Committee right now is made up of a combination of municipal court judges and district court judges. Municipal courts, however, are being phased out and the membership on the committee is being proposed to being changed to represent more district court judges simply because municipal courts and judges are being phased out. We request your support.

Adopted. Ordered to third reading.

SB 131, requiring notice to towns and cities of impending default judgments. Ought to pass. Sen. Champagne for the committee.

SEN. CHAMPAGNE: This bill would require the courts to notify a town on a default judgement. The city of Manchester and the city of Nashua testified that they were having constant problems with insurance companies being reluctant

to file appearances in cases where they are being sued. The town often doesn't get notified of an appearance. This would merely force the court to notify the town in the event that a default judgment is rendered and an insurance company fails to file an appearance in a case. I think the committee vote on that was unanimous as ought to pass. We request your support. quest your support.

Adopted. Ordered to third reading.

SB 215-FN, prohibiting the Cheshire county attorney from engaging in the private practice of law. Ought to pass. Sen. Lessard for the committee.

SEN. LESSARD: This bill was requested by the Cheshire County delegation and they have reached an agreement with the county attorney in that county to make a full time position out of the County Attorney's office. In doing so they want to prohibit the occupant of that office from exercising a law practice outside of that of county attorney. They follow Rockingham County in this kind of legislation. The committee report was unanimous.

Adopted. Ordered to third reading.

Sen. Monier in the Chair.

SB 112, providing a referendum to discontinue the office of the city manager in the city of Berlin. Ought to pass. Sen. Podles for the committee.

SEN. PODLES: SB 112 provides for the discontinuing of the office of City Manager in Berlin with the Mayor and Council assuming all duties and functions of the City Manager. This proposed change would be a referendum question on the ballot in March of 1982. The committee recommends ought to pass.

Adopted. Ordered to third reading.

SB 221, to permit towns to establish trust funds for certain public purposes. Ought to pass. Sen. Podles for the committee.

SEN. PODLES: SB 221 permits towns to establish trust funds. Right now there is no authority for a town to set up a trust fund. The committee met and recommends ought to pass.

Adopted. Ordered to third reading.

SB 82, permitting the broadcast of public notices on radio and television. Interim study. Sen. Podles for the committee.

SEN. PODLES: We had some opposition on this bill. This bill has merit and the committee recommends interim study.

Sen. Bergeron moved SB 82 be laid on the table.
Adopted.

SB 298, relative to eviction of hotel guests. Ought to pass. Sen. Podles for the committee.

SEN. PODLES: SB 298 requires all hotel, motel, public lodging houses, tourist camps, to record at registration the date of departure for each guest and will authorize the eviction of guests who stay beyond their stated date of departure. The committee recommends ought to pass.

Adopted. Ordered to third reading.

SB 241, authorizing cities and towns to adopt innovative approaches to zoning. Ought to pass. Sen. Podles for the committee.

SEN. PODLES: SB 241 authorizes cities and towns to adopt innovative land use control. It also requires standards and guidelines to be established in the ordinance and requires planning board review of each proposal. The bill had legal input from the New Hampshire Municipal Association and they strongly endorse it. The committee recommends ought to pass.

Adopted. Ordered to third reading.

SB 235, clarifying planning board procedures on the approval or disapproval of plats. Ought to pass. Sen. Podles for the committee.

SEN. PODLES: SB 235 clarifies planning board procedures. This is another bill that had legal input from the New Hampshire Municipal Association. The state planning boards also concur with the bill, they support it's passage. The bill is a policy bill and it clarifies without adding wrinkles. The committee recommends ought to pass.

Adopted. Ordered to third reading.

SB 230, removing the interest rate and other limitations on money borrowed by the City of Concord for its school district. Ought to pass. Sen. Sanborn for the committee.

SEN. SANBORN: That's what we get for coming in here on a Saturday, you get stuck on a committee. However, I'm very glad to serve with Sen. Podles, we had a very interesting day. Basically what this bill does is that if anybody thinks and remembers a short time ago we passed SB 40, this changes SB 40. What this does is it just says that the city of Concord is allowed to bond through the City Treasurer in the name of the city for the school board so that they can borrow money under RSA 33. Doing it through the City Treasurer they get a better rate and so forth than they would the way we passed SB 40. This seems to be a good bill. The people of the school board of the city were here before us in favor of it. There was no opposition. We recommend ought to pass.

Adopted. Ordered to third reading.

SB 228-FN, amending the meals tax as applied to vending machines. Ought to pass. Sen. Podles for the committee.

SEN. PODLES: This bill will correct an inequity in the current tax assessment formula for the vending industry. They seek relief through this bill and we had forty-two people who signed the sheet. They were not all able to testify be-

cause we were pressed for time. The testimony given by a number of employees and operators of the vending industry was that it was an unfair tax because not all vending or the selling of similar goods received the same tax. For example, the corner grocer sells a half a pint of milk or yogurt and it is tax free but if the milk or yogurt is put in a vending machine it becomes a meal and the vending operator loses 6 percent of it's receipt. The vending industry finds itself unjustly penalized and while wholesale costs of products have increased threefold over the past three years and due to the economic trends the vending industry has not been able to pass the price increases onto their customers. The committee felt that taxing the vending industry on their cost rather than selling price will provide better profit margins for these companies and then generate more in taxes for the state through the business profits tax. The committee recommends ought to pass.

SEN. PRESTON: Would you just relate, for the record, what the economic impact of this is please?

SEN. PODLES: It's on the back page, I'm sure you have all seen it. I haven't studied it but it is about \$300,000.

SEN. PRESTON: Is it true that in 1981 the impact would be \$308,000 and some odd dollars, and in 1982 \$349,000?

SEN. PODLES: I wouldn't know Senator. If you say so it could be correct.

SEN. SANBORN: One of the things that did come out in the hearing on this bill was that there are certain assumptions made by the Revenue Administration Department that show in the fiscal report that are not true. I believe that many times during the hearing many people spoke to the same thing because it only took into effect the revenue that they might lose on the retail, it did not take into effect what they were going to gain back on the wholesale, nor what they would gain back on the business profits tax. So actually this fiscal note is not a correct note as we have found out many times.

SEN. BLAISDELL: I rise in support of the committee report and I agree with Sen. Sanborn completely. I think that the fiscal impact statement does not take into consideration what the business profits tax gains if we pass this particular piece of legislation. I support the committee report and I hope the Senate supports it.

SEN. WIGGINS: We heard the bill. I was one of the committee members. They explained to us the unfairness of the Rooms and Meals Tax on the vending trade and it really is unfair. I really believe like Sen. Blaisdell and Sen. Sanborn that the differential would be more than made up by the business profits tax and I urge passage.

Adopted. Ordered to third reading.

SB 223, relative to regulation of garbage carriers. Ought to pass. Sen. Wiggins for the committee.

SEN. WIGGINS: We had a hearing on this bill and what it does is to relieve the local garbage carrier from having to go to the Public Utilities Commission to get a permit to do things. It seems right now that it is very cumbersome for them to have to get a permit to move things. For instance, if they had a fair and they wanted to clean up the garbage if it was out of their town or district they would have to go to the PUC and get a permit. We urge passage of this bill because that would relieve the situation and time lag.

Adopted. Ordered to third reading.

SB 222, providing for a 1982 referendum in the City of Berlin to permit water commissioners to be appointed on a non-partisan basis. Ought to pass. Sen. Podles for the committee.

SEN. PODLES: SB 222 provides a March 1982 referendum in the city of Berlin to permit water commissioners to be appointed on a non-partisan basis. The committee recommends ought to pass.

Adopted. Ordered to third reading.

SUSPENSION OF RULES

Sen. Brown moved that the rules of the Senate be so far suspended as to allow Committee Reports on SB 216 and SB 209 with only one days notice of hearing in the calendar.

Adopted.

SB 216, relative to the membership and election of charter commissions and the effective date of charter revisions. Ought to pass with amendment. Sen. Sanborn for the committee.

SEN. SANBORN: Basically all this does is that right now to get a change in the charter the city of Manchester or any other city, if they start in this year they have to get it on the ballot the first time to see if they want a charter change. Two years later at their municipal election they elect the members of the commission. Two years after that the commission may have proposed certain changes in the charter or changed the entire charter and then it's two years later at the next municipal election before they can vote on it. So it takes, basically, right now six years. The only thing that this bill changes principally is the time that they can have those elections. In other words any time that the city is having an election whether it is the fall election or the municipal election, they can have it on the ballot. It also makes a further note that the appointed members of the commission, after they have been appointed, must be residents of the community. In other words they can't go running out of the town and getting four or five people appointed on the commission that know nothing about the way the city is run. That is with one exception and that is the attorney commission member. We had a good hearing on this and we recommend that this bill ought to pass.

Amendment to SB 216

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Study Committee Established. There is hereby established a study committee of 6 members to review RSA 49-B relative to home rule and municipal charters and to make recommendations to the general court. The committee shall prepare proposed legislation incorporating its recommendation and shall submit the legislation to the next regular session. The committee shall be composed of 3 members of the senate appointed by the president of the senate and 3 members of the house of representatives appointed by the speaker of the house.

4 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted. Ordered to third reading.

SB 209, to permit the seizure of an OHRV when it is being unlawfully operated by a minor. Ought to pass with amendment. Sen. Wiggins for the committee.

SEN. WIGGINS: We heard from the law enforcement end of OHRV and found out they had no means of controlling minor operations of snow machines. This bill would give them the necessary tools to have some control of the young people who are operating snow machines in violation of all laws. We recommend passage with amendment. The amendment notwithstanding any other provision of the law to the contrary, any OHRV operated by a minor in the violation of any provision of this chapter or of any motor vehicle law may be seized by a law enforcement officer and detained by him for a period of time to be set in each case by a justice of a district or municipal court sitting in juvenile session. Such seizure and retention shall be considered punishment of a minor in addition to any other punishment provided by law. The cost of such seizure and retention shall be borne by the minor or by the person chargeable by law for his support and necessities. They have another chapter: notwithstanding any other provision of the law to the contrary, any OHRV driven by a minor in violation of any provisions of this chapter or of any motor vehicle law may be seized by law enforcement officers and retained by him for a period of time set by a justice or district or municipal court sitting in juvenile session. Such seizure and retention shall be considered punishment of a minor in addition to seizure and retention provided by the law. The cost of such seizure and retention shall be borne by the minor chargeable or persons chargeable for support and necessity. This act shall take effect 60 days after its passage. This had to be because right now in the laws we don't have any means of curbing juveniles running snow machines or any other off-highway vehicles.

Amendment to SB 209

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Penalty for Minor Illegally Operating OHRV. Amend RSA 269-C:14 by inserting after paragraph III the following new paragraph:

IV. Notwithstanding any other provisions of law to the contrary, any OHRV, operated by a minor in violation of any provision of this chapter or of any motor vehicle law, may be seized by a law enforcement officer and retained by him for a period of time to be set in each case by a justice of a district or municipal court sitting in juvenile session. Such seizure and retention shall be considered punishment of the minor in addition to any other punishment provided by law. The cost of such seizure and retention shall be borne by the minor or by the person chargeable by law for his support and necessities.

2 Penalty for Minor Illegally Operating OHRV (Recodified). Amend RSA 265:141 by inserting after paragraph III the following new paragraph:

IV. Notwithstanding any other provisions of law to the contrary, any OHRV, driven by a minor in violation of any provision of this chapter or of any motor vehicle law, may be seized by a law enforcement officer and retained by him for a period of time to be set in each case by a justice of a district or municipal court sitting in juvenile session. Such seizure and retention shall be considered punishment of the minor in addition to any other punishment provided by law. The cost of such seizure and retention shall be borne by the minor or by the person chargeable by law for his support and necessities.

3 Contingency Provision. Section 2 of this act shall take effect provided HB 100, "An Act to recodify the motor vehicle laws," of the 1981 session of the general court becomes law. If HB 100 does not become law, section 2 of this act shall not take effect.

4 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted. Ordered to third reading.

SB 128, requiring a copy of the 10 commandments, with notations explaining the spiritual Heritage of American Constitutional government, to be posted in public school classrooms. Inexpedient to legislate. Sen. Podles for the committee.

SEN. PODLES: SB 128 was drafted on the Kentucky which was struck down by the United States Supreme Court therefore this bill would be unconstitutional. The committee felt that morality has to be taught it cannot be legislated and we recommend inexpedient to legislate.

Adopted.

SB 127, establishing the boundary line between the City of Franklin and Northfield. Ought to pass. Sen. Podles for the committee.

SEN. PODLES: SB 127 straightens out an error found in the boundary line in a particular spot in Northfield and Franklin. It was a simple mistake by a previous legislature and this bill will correct this mistake. The committee recommends ought to pass.

Adopted. Ordered to third reading.

SB 190, to expand the purposes for which interest on probation department funds may be expended. Ought to pass with amendment. Sen. Podles for the committee.

SEN. PODLES: SB 190 expands the purposes for which interest on probation department funds money is only allowed for training purposes. There is an amendment and the amendment just adds an updating of the computer programming. The committee recommends ought to pass with amendment.

Amendment to SB 190

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Purposes. Amend 1979, 424:2 by striking out said section and inserting in place thereof the following:

424:2 Appropriation to Department of Probation. An amount not to exceed the revenue received under section 1 of this act is hereby appropriated to the department of probation for expenditure for training, the purchase of equipment, replacement of checks returned for insufficient funds, reimbursement for lost or stolen money, and updating of the computer programming, in addition to other sums appropriated. Such expenditures shall have the prior approval of the fiscal committee. Any balance remaining of said appropriation shall lapse to the general fund at the end of each fiscal year.

Amendment adopted. Ordered to third reading.

SB 129, relative to corporate means. Interim Study. Sen. Podles for the committee.

SEN. PODLES: SB 129 has a lot of conflicting testimony. It is a good bill and the committee recommends interim study.

Adopted.

SB 202, relative to deputizing airport managers as law enforcement officers. Ought to pass. Sen. Podles for the committee.

SEN. PODLES: SB 202 removes the mandatory requirement that town officials must deputize the airport manager. In this bill they are asking for a local option. The problem is that in small airports it is a good idea to deputize airport managers however in a large city airport they are not necessary because there are plenty of police officers and security men who can be called immediately. The committee recommends ought to pass.

Adopted. Ordered to third reading.

SB 188, relative to work release at the state prison. Ought to pass with amendment. Sen. Stabile for the committee.

SEN. STABILE: SB 188 was heard before the committee relative to the work release at the State Prison. It was recommended ought to pass with amendment. In essence this amendment corrects the RSA which was incorrect previously.

Amendment to SB 188

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Consideration of the Parole Board After Escape. Amend RSA 651:25, IV (supp) as inserted by 1971, 518:1 as amended by striking out said section and inserting in place thereof the following:

IV. If he escapes or fails to return inside the walls of the institution as required by the rules or the orders of the officers thereof, he shall be punished as provided by RSA 642:6. The warden of the state prison may at any time recall a prisoner from such release status if he believes or has reason to believe the peace, safety, welfare, or security of the community may be endangered by the prisoner being under such release status.

Amendment adopted. Ordered to third reading.

SB 197, relative to a certificate of need for an inpatient psychiatric hospital in Manchester. Inexpedient to legislate. Sen. Roy for the committee.

SEN. ROY: SB 197 has been found inexpedient to legislate because it was in fact withdrawn by the two sponsors.

Adopted.

SB 164-FN, relative to blood tests of pedestrian fatalities after a motor vehicle accident. Ought to pass. Sen. Roy for the committee.

SEN. ROY: SB 164 will require a medical examiner to request a blood test on any pedestrian twelve years of age or older who dies within four hours of an automobile accident. Under the present law such a test can only be performed on an adult eighteen or older. We heard testimony to the fact that some youths who have died as a result of a pedestrian accident may have been a user of drugs and/or alcohol. The bill would merely protect an innocent motorist who struck such an individual who is under the influence.

Adopted. Ordered to third reading.

SB 236, authorizing the division of public health services to prescribe metabolism tests for newborns. Inexpedient to legislate. Sen. Roy for the committee.

SEN. ROY: We found the bill inexpedient to legislate because the two tests required for PKU and hyperthyroidism in newborn babies is actually being done by the State Department of Public Health.

Adopted.

SB 111, establishing that human life begins at conception. Ought to pass. Sen. Roy for the committee.

SEN. ROY: The committee voted unanimously ought to pass on the act of establishing that human life does in fact begin at conception.

Adopted. Ordered to third reading.

SB 118, requiring pharmacies to establish and maintain a patient profile system. Inexpedient to legislate. Sen. Roy for the committee.

SEN. ROY: SB 118 has been found inexpedient to legislate. It has some excellent protection for consumers at pharmacies. The bill would require that all pharmacies in which prescriptions are dispensed would establish and maintain a patient profile system including information of value to the pharmacist in minimizing the potential of prescriptions being issued which would cause the patient harm by reaction or interaction. On the face that sounds just great but the problem is that we found, in testimony in front of the committee, that in fact people will go to various doctors, they will have prescriptions filled at various drug stores and that some over-the-counter remedies can in fact work in conjunction with a prescription to be detrimental. It would be impossible, we felt, to maintain a patient profile. Also if a pharmacy was found to be in violation of this act they would

be guilty of a misdemeanor for the first offense and they might lose their operating permit for any subsequent offense until the Pharmacy Commission had found them to be in complete compliance with the act. We agree with the intent of the bill but found that it would be almost impossible to police it because of the fact that they do go to various pharmacies for prescriptions. We urge your support of the committee report.

Sen. Sanborn moved that the words "Interim Study" be substituted for the committee report of "inexpedient to legislate."

Adopted.

SB 156, relative to filling an excavation site with demolition matter. Inexpedient to legislate. Sen. Stabile for the committee.

SEN. STABILE: The committee met relative to the filling of an excavation site with demolition matter. There was testimony in favor of this but the committee found that it was a singular situation in the town of Pelham. Upon investigation with the town of Pelham the town felt that they had a particular problem with this particular site and the filling. The Department of Health also felt that this piece of legislation would mean that they would have to hire more people to go out and look at all fill sites in the future. They presently do not have the help to do it. We felt that this was a local problem and it would be usurping local powers, therefore it was voted inexpedient to legislate.

Adopted.

Sen. Bergeron in the Chair.

SB 163, relative to the qualifications of the director of public health services. Ought to pass with amendment. Sen. Roy for the committee.

SEN. ROY: SB 163 or the amendment to that is found on page 30 and becomes the bill. Very simply what is does is to take overly restrictive language and replace it with a more reasonable definition. The Director of Public Health

shall be a physician, licensed or eligible for licensure in New Hampshire, and have at least five years administrative experience in Public Health. It is felt that since we are requiring that the Department should become more administratively capable that this amendment ought to pass.

Amendment to SB 163

Amend RSA 126-A:6, II(a) as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

(a) The director of public health services shall be a physician licensed or eligible for licensure in New Hampshire, with at least 5 years administrative experience in public health;

Amendment adopted. Ordered to third reading.

SB 187-FN, to establish an advisory committee for the regulation of lay-midwifery. Ought to pass with amendment. Sen. Roy for the committee.

SEN. ROY: SB 187 creates an advisory committee for the practice of lay-midwifery which shall advise the Director of Public Health Services in adopting rules relative to the practice of home birthing, strictly for the protection of the mother and newborn baby. The bill requires that a system for the certification of lay-midwives be established and that information relative to such certification and the practice of lay-midwifery generally be made available to the public to enable informed decision making in the selection of lay-midwives. The amendment is a very simple amendment. In the five member advisory committee we have stated that the lay-midwife shall be certified but in fact how could she be certified until the rules and regulations are promulgated so that she must become certified within one year.

SEN. CHANDLER: Isn't there another bill about midwives?

SEN. ROY: There is. It is SB 309 which we will talk about. You have all been getting phone calls about it, I know. They have been a very active group.

Amendment to SB 187-FN

Amend the bill by striking out all after section 1 and inserting in place thereof the following:

2 Initial Committee Appointments; Lay-Midwife. Notwithstanding the certification required under RSA 326-D:2, IV, the lay-midwife member appointed to the initial committee for the practice of lay-midwifery under this act shall be qualified for certification as a lay-midwife, but need not be so certified prior to the time of appointment.

3 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted. Ordered to third reading.

Sen. Conley wishes to be recorded as in favor of SB 187-FN as amended.

SB 194, requiring informed consent of the mother for an abortion and parental or judicial consent if the pregnant mother is a minor. Ought to pass. Sen. Stabile for the committee.

SEN. STABILE: The committee met and heard over twenty people testify for and against this particular piece of legislation. There was much heated debate and discussion. After much deliberation the committee recommends to the body that it ought to pass.

Adopted. Ordered to third reading.

SB 262-FN, establishing procedure for special guardianships. Inexpedient to legislate. Sen. Roy for the committee.

SEN. ROY: SB 262-FN, an act establishing procedures for special guardianship has been found inexpedient to legislate because the material within the bill will be handled in another bill to be reported.

Adopted.

SB 264-FN, relative to the youth development center. Interim study. Sen. Roy for the committee.

SEN. ROY: There is apparently a great deal of merit within this bill. It is a fourteen page bill. It would require a population oversight panel and the district courts then would be notified as the facilities approach maximum population capability so that the courts may determine alternatives to the detention at the Center. Expenses arising from these alternative detention facilities would be borne by the city or town where the youth lived at that time. There would be a provision in the bill for recovery of expenses for board and room of the new facility and what-have-you, restitution by either the parent of the estate of the child, authorization for the Superintendent or an agent of the trustees to petition the Superior Court when a child has been erroneously committed to the Center. A great deal of consideration should be given this bill and we very much would like to have time to study it in interim study.

Adopted.

SB 302-FN, to establish a residential care facility for the placement of children in need of services and making an appropriation therefor. Inexpedient to legislate. Sen. Blaisdell for the committee.

Sen. Blaisdell moved the words "Interim Study" be substituted for the committee report of "Inexpedient to Legislate."

SEN. BLAISDELL: I have consulted with Sen. Roy and she has agreed to allow me to make this interim study motion. As a Senator representing 30 or 40 thousand people in the State of New Hampshire it is a crime to me that we can't really do something about a bill of this magnitude and also the bill beforehand, Sen. Kelly, I think it is a very important piece of legislation for the youth of our state. I know the restrictions we have on funding so I would like to keep this bill alive if I could, have someone study it. It's not like the old days when the bills used to go to interim study and they say that's when they killed them. It's not true. I found in the last session of the Legislature that the people that serve in the interim study committee do a thorough job and put a lot of hard effort into it. I request that you send this to interim study with my motion.

Adopted.

SB 309, relative to regulation of physicians and surgeons. Ought to pass with amendment. Sen. Roy for the committee.

SEN. ROY: SB 309 is an act relative to regulating physicians and surgeons. In fact what it would do is to define the practice of medicine. It was that area that gave the committee concern because it says to include the treatment of pregnancy related conditions as well as ailments. Looking at the bill we found that what it would do would be to prohibit home birthing under lay-midwives. As you can see the committee favors midwives and home birthing under certification. Further the bill would set disciplinary action when the licensed physician has engaged in dishonest, unprofessional, or immoral conduct or negligence in practicing medicine or surgery. We do wholeheartedly support SB 309 and thank Sen. Conley for working with us to amend out the portion that would prohibit lay-midwifery. We support the committee report of ought to pass with amendment.

SEN. CHANDLER: I heard what you said but I would just like to hear it again. This bill with the amendment does not prohibit midwifery, does it?

SEN. ROY: That's right.

Amendment to SB 309

Amend RSA 329:1 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

329:1 Practice. Any person shall be regarded as practicing medicine under the meaning of this chapter who shall diagnose, operate on, prescribe for or otherwise treat any human ailment, whether physical or mental.

Amendment adopted. Ordered to third reading.

Sen. Conley wishes to be recorded as in favor of SB 309 as amended.

SR 4, urging the United States Congress to enact legislation terminating the New Hampshire health systems agency. Ought to pass. Sen. Brown for the committee.

SEN. BROWN: The New Hampshire Health Systems Agency duplicates the activities and functions of the Office of Health Planning and Development. It is strictly a duplication, it is costly and it is inefficient. The House Health and Welfare Committee recommended to the House under the sunset report that it be terminated. Now as I understand it the House has so voted that. That is the reason for ought to pass, to terminate it.

Adopted.

SCR 7, urging Congress to either reduce the federal mandate for special education or to fully reimburse federally mandated state expenditures for special education. Ought to pass with amendment. Sen. Conley for the committee.

SEN. CONLEY: The amended version of SCR 7 changes the title to read "urging Congress to fully reimburse federally mandated state expenditures for special education." The section that we amended was after the resolving clause and reads as follows: "Resolved by the Senate and the House of Representatives concurring that the Congress of the United States is hereby urged to immediately pass legislation which will change the federal mandate for special education to provide for the full reimbursement of any federally mandated state expenditures for special education. And that copies of this resolution be forwarded by the Secretary of State to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Administrator of General Services of the United States, and members of the New Hampshire Congressional delegation." This resolution was requested in this form by a number of school districts that Senators other than myself and myself, attended during the last several months where the members of the school districts asked that this type of resolution be sent to the Congress of the United States. We urge it's passage in the most expeditious manner possible.

Amendment to SCR 7

Amend the title of the resolution by striking out same and inserting in place thereof the following:

urging Congress to fully reimburse federally mandated state expenditures for special education.

Amend the resolution by striking out the resolving clause and all after the resolving clause and inserting in place thereof the following:

Resolved by the Senate, the House of Representatives concurring:

That the Congress of the United States is hereby urged to immediately pass legislation which will change the federal mandate for special education to provide for the full reimbursement of any federally mandated state expenditures for special education; and

That copies of this resolution be forwarded by the secretary of state to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Administrator of General Services of the United States and the members of the New Hampshire congressional delegation.

Amendment adopted. Ordered to third reading.

SB 138, relative to the operation of bicycles. Ought to pass with amendment. Sen. Rice for the committee.

SEN. RICE: SB 138 completely rewrites all legislation relative to the operation of bicycles. When we recodified the motor vehicle laws this section was taken out, was completely rewritten and brought up to date. The committee unanimously urges ought to pass.

Amendment to SB 138

Amend RSA 250:17-a, III as inserted by section 4 of the bill by striking out same and inserting in place thereof the following:

III. No person riding upon any bicycle shall attach the same or himself to any vehicle upon a roadway.

Amend RSA 250:19-a as inserted by section 7 of the bill by striking out same and inserting in place thereof the following:

250:19-a Bicycle Parking.

I. A person may park a bicycle on a side walk unless prohibited or restricted by an official traffic control device.

II. A bicycle parked on a sidewalk shall not impede the normal and reasonable movement of pedestrian or other traffic.

III. A person shall not park a bicycle on a roadway in such a manner as to obstruct the movement of a legally parked motor vehicle.

IV. In all other respects, bicycles parked on a way shall conform with provisions of law regulating the parking of vehicles.

Amend RSA 269-D:3, III as inserted by section 10 of the bill by striking out same and inserting in place thereof the following:

III. No person riding upon any bicycle shall attach the same or himself to any vehicle upon a roadway.

Amend RSA 269-D:8-a as inserted by section 14 of the bill by striking out same and inserting in place thereof the following:

269-D:8-a Bicycle Parking.

I. A person may park a bicycle on a side walk unless prohibited or restricted by an official traffic control device.

II. A bicycle parked on a sidewalk shall not impede the normal and reasonable movement of pedestrian or other traffic.

III. A person shall not park a bicycle on a roadway in such a manner as to obstruct the movement of a legally parked motor vehicle.

IV. In all other respects, bicycles parked on a way shall conform with provisions of law regulating the parking of vehicles.

Amend RSA 265:144, III as inserted by section 19 of the bill by striking out same and inserting in place thereof the following:

III. No person riding upon any bicycle shall attach the same or himself to any vehicle upon a roadway.

Amend RSA 265:152 as inserted by section 23 of the bill by striking out same and inserting in place thereof the following:

265:152 Bicycle Parking.

I. A person may park a bicycle on a side walk unless prohibited or restricted by an official traffic control device.

II. A bicycle parked on a sidewalk shall not impede the normal and reasonable movement of pedestrian or other traffic.

III. A person shall not park a bicycle on a roadway in such a manner as to obstruct the movement of a legally parked motor vehicle.

IV. In all other respects, bicycles parked on a way shall conform with provisions of law regulating the parking of vehicles.

Amend the bill by striking out sections 24 and 25 and inserting in place thereof the following:

24 Contingency Provision.

I. Sections 8-13 of this act shall take effect provided SB 11, "An Act recodifying RSA Title XX and relocating certain RSA chapters," of the 1981 session of the general court becomes law. If SB 11 does not become law, sections 8-13 of this act shall not take effect. Sections 1-7 of this act shall be effective only for such time, if any, that SB 11 shall not be in effect, and as soon as SB 11 becomes law, sections 1-7 shall be void and of no effect.

II. Sections 14-20 of this act shall take effect provided HB 100, "An Act to recodify the motor vehicle laws," of the 1981 session of the general court becomes law. If HB 100 does not become law, sections 14-20 of this act shall not take effect.

25 Effective Date.

I. Sections 1-13 and 21 of this act shall take effect 60 days after its passage.

II. Sections 14-20 of this act shall take effect January 1, 1982 at 12:01 a.m.

Amendment adopted. Ordered to third reading.

SB 307, relative to the regulation of business practices between motor vehicle manufacturers, distributors, and dealers. Ought to pass with amendment. Sen. Rice for the committee.

SEN. RICE: SB 307 is a good attempt to balance the power, if you will, between automobile dealers in this state and the manufacturers of motor vehicles. The amendment makes no significant changes to the bill. There were a number of typographical errors within SB 307. The amendment cleans up those typographical errors. We heard numerous testimony

from automobile dealers throughout the state. We did not hear any opposition to the bill. The committee unanimously recommends ought to pass as amended.

Amendment to SB 307

Amend RSA 357-C:1, XVII as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

XVII. "Established place of business" means a permanent, enclosed commercial building located within this state easily accessible and open to the public at all reasonable times and at which the business of a new motor vehicle dealer, including the display and repair of vehicles, may be lawfully carried on in accordance with the terms of all applicable building codes, zoning, and other land-use regulatory ordinances.

Amend RSA 357-C:3, III(g) as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

(g) Offer or sell parts or accessories to any new motor vehicle dealer for use in his own business for the purpose of replacing or repairing the same or comparable part or accessory, at a lower actual price than the actual price charged to any other new motor vehicle dealer for similar parts or accessories for use in his own business; provided, however, that where motor vehicle dealers operate as distributors of parts and accessories to retail outlets, nothing in this subparagraph shall be construed to prevent a manufacturer, distributor, or any agent thereof, from selling to a motor vehicle dealer who operates as a distributor of parts and accessories, such parts and accessories as may be ordered by such motor vehicle dealer for resale to retail outlets, at a lower price than the actual price charged a motor vehicle dealer who does not operate or serve as a distributor of parts and accessories;

Amend RSA 357-C:5, II(d) as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

(d) All claims made by new motor vehicle dealers pursuant to this section for labor and parts shall be paid within 30 days following their approval. All such claims shall be either approved and paid or disapproved within 30 days after their receipt, and any claim not specifically disapproved in writing within such period shall be deemed approved. Notice of rejection of any claim shall be accompanied by a specific statement of the grounds on which the rejection is based.

Amend RSA 357-C:5, II(e) as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

(e) The franchisor shall not in any way restrict the nature or extent of services to be rendered or parts to be provided so that such restriction prevents the franchise from satisfying a warranty in a workmanlike manner with all required or necessary parts.

Amend RSA 357-C:6 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

357-C:6 Agreements Governed.

I. All written or oral agreements of any type between a manufacturer, or distributor and a motor vehicle dealer shall be subject to the provisions of this chapter, and provisions of such agreements which are inconsistent with this chapter shall be void as against public policy and unenforceable in the courts of this state.

II. Before any new selling agreement or amendment thereto involving a motor vehicle dealer and such party becomes effective, the manufacturer, distributor, distributor branch or division, factory branch or division, or agent thereof shall, 90 days prior to the effective date thereof, forward a copy of such agreement or amendment to the attorney general and to the dealer.

Amend the introductory subparagraph of RSA 357-C:7, II as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

Notwithstanding the terms, provisions, or conditions of any agreement or franchise or the terms or provisions of any waiver, good cause shall exist for the purpose of a termination, cancellation, nonrenewal, or noncontinuance when:

Amend RSA 357-C:7, III(a) as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

(a) The change of ownership of the new motor vehicle dealer's dealership, excluding any change in ownership which would have the effect of the sale of the franchise without the manufacturer's or distributor's reasonable consent;

Amend RSA 357-C:13 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

357-C:13 Public Policy. Any contract, contract provision, or practice in violation of any provision of this chapter shall be deemed against public policy and shall be void and unenforceable.

Amend the bill by inserting before section 1 of the following new section and renumbering sections 1-3 to read as 2, 3, and 4, respectively:

1 Declaration of Purpose. The general court finds that the distribution and sale of vehicles within this state vitally affects the general economy of the state and the public interest and welfare, and that in order to promote the public interest and welfare it is necessary to regulate vehicle manufacturers, distributors, factory or distributor representatives, and dealers of vehicles doing business in this state in order to prevent frauds, impositions, and other abuses and to protect and preserve the investments and properties of the citizens of this state.

Amendment adopted. Ordered to third reading.

SB 310, authorizing jitney operations. Interim Study. Sen. Rice for the committee.

SEN. RICE: SB 310 attempts to address the issue of inadequate transportation, inefficient transportation that occurs throughout the State of New Hampshire and is furthermore an attempt of streamlining, if you will, the availability of public or quasi-public transportation throughout the State. The sponsors felt that this bill, although it had a lot of meaning at this time, should go into interim study for further study, further investigation. It was the consensus of the committee to concur with the sponsors. As a member of the committee I wasn't even sure initially what "gitney" meant, so I think it should go into interim study. The committee unanimously agreed to place it into interim study.

Adopted.

Sen. Monier in the Chair.

SB 200, authorizing a preliminary breath alcohol intoxication test. Ought to pass. Sen. Rice for the committee.

SEN. RICE: SB 200 would provide another instrument for a preliminary test for drunk driving. This test would not be used in any court of law, it is only for pre-testing, if you will. If there is any significance to the results of this test then a breathalyzer test would be administered at a later date. This would make it optional for local police departments to utilize such an instrument. It was felt that testimony that was given indicated that there were a number of people who had been stopped for apparent drunk driving when in fact there was an illness. This would make that determination. It would not require a motorist or a driver to get out of his car and go through a lot of other tests that are currently being given. It is optional for local police departments and the committee recommends ought to pass.

Adopted. Ordered to third reading.

SB 169, providing that motor vehicle accident reports and certificates concerning the filing of accident reports are not admissible in most criminal trials resulting from the accident reported. Ought to pass. Sen. Rice for the committee.

SEN. RICE: This bill was requested by the Department of Safety. There has been a history of problems that have occurred from accident reports being requested and asked for for court cases. This bill corrects that situation. There was no opposing testimony heard in the committee. The committee unanimously recommends ought to pass.

SEN. BERGERON: There is no application to civil trials?

SEN. RICE: That is correct.

Adopted. Ordered to third reading.

SJR 1-FN, creating a new special committee to study revenue reform at all levels of government. Ought to pass with amendment. Sen. Blaisdell for the committee.

SEN. BLAISDELL: This is a complete surprise to the Ways and Means Committee. This is a mistake. It should not have been on the calendar. We did not expect this bill until this morning when we got through our other bills in Ways and Means. We did vote it as ought to pass and if you want me to report it I will be very glad to. If there is any problem with the Ways and Means, it was a mistake on the part of the secretary, she misinterpreted what the amendment did.

Amendment to SJR 1-FN

Amend the resolution by striking out all after the resolving clause and inserting in place thereof the following:

I. That there is hereby established a new special committee to study revenue reform and to report and recommend legislation to the general court;

II. That the new special committee to study revenue reform shall consist of:

(a) The governor or his designee;

(b) The president of the senate and the speaker of the house, or their designees;

(c) The minority leader of the senate and of the house, or their designees;

(d) The chairman of the house ways and means committee, the chairman of the senate ways and means committee, and

the chairman of the house appropriations committee and the chairman of the senate finance committee, or their designees;

(e) Two representatives of the business community and 2 representatives of labor, appointed by the governor and council;

(f) Three representatives of town, city and county government appointed by the New Hampshire municipal association;

(g) Six representatives of the general public; 2 appointed by the president of the senate, 2 appointed by the speaker of the house and 2 appointed by the governor and council;

(h) The chairman of the legislative council of the New Hampshire chapters of the American Association of Retired Persons and the National Retired Teachers Association, or his designee; and

(i) Three school board members appointed by the New Hampshire School Boards Association.

III. That the committee may apply for, accept and expend grants from any source to use for its purposes; and

IV. That the committee shall submit its findings and recommendations to the general court no later than December 1, 1982; and

V. That the committee members who are not members of the general court shall receive mileage at the rate of state employees; and

VI. That the purposes of the committee shall be to study with, if funds are available, professional assistance;

(a) The goals and responsibilities of the state government as related to the goals and responsibilities of local government;

(b) The adequacy and stability of revenues;

(c) The equity of present distribution formulas;

(d) The present tax structure as it relates to tax equity;

(e) The present tax structure as it relates to growth in the state; and

(f) The possibility of combining tax reform with expenditure limitations; and

VII. That there is hereby appropriated the sum of \$10,000 to be used to cover consultant fees and travel expenses of committee members. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated. The appropriation shall not lapse until June 30, 1983.

Amendment adopted. Referred to Finance.

SPECIAL ORDERS

1:01 p.m.

SB 88-FN, relative to the regulation of detective and security services. Ought to pass. Sen. Chandler for the committee.

Adopted. Ordered to third reading.

1:02 p.m.

SB 76-FN, authorizing cities and towns to determine alternate routes for the transportation of liquified energy gas. Majority: Inexpedient to legislate; Minority: Ought to pass. Sen. Brown for the Majority; Sen. Preston for the Minority.

SEN. BROWN: The reason the committee recommended inexpedient to legislate is because it doesn't need a statute or new law to accomplish what this bill is trying to do. Under RSA 41:11, it states that the regulation use of highways is the towns unless regulated by the commission of public works and highways, as provided in section 5 RSA. The selectmen may regulate the use of all public highways, etc.; and for this purpose may exercise all powers conferred on city councils by paragraphs 7 and 8. It goes on to say in 8 that the city council makes special regulations as to the use of vehicles on particular highways. Also there was a test case in the court in relation to this very thing and this is the report of the court: it said where a statute specifically provides a commission of public works and highways may regulate highways and where the legislature specifically empowered municipalities to regulate use of vehicles on particular highways within their limits, with such included power to exclude such vehicles from certain highways, legislature has not premanifested intent to preempt the field of highway regulation. Meaning that the towns have the rights to do it now. I see no reason, and the committee saw no reason, for the bill to pass and become law.

Sen. Preston moved that the words "ought to pass" be substituted for the majority report of "inexpedient to legislate."

SEN. PRESTON: This is a very interesting hearing. Politicians who opposed the bill were there and the lobbyists representing the petroleum industry where there in strength. And perhaps the people who it affects most, the people, weren't there. There were two individuals there who I listened to and they were the fire chiefs' of the city of Manchester and the city of Portsmouth. They pointed out very clearly their concerns and said this could result in an 'I told you so' definition about the problems that they are confronted with in their cities and their towns. I agree that we have enough regulations now. Some of the lobbyists really upset me when they said, 'Well, this is frivolous in the fact that we can say that Chlorox is a hazardous material.' This is not a funny situation for the town of Newfields that had forty LPG tankers sitting in unattended yards over the weekend. It's not a funny situation where we have already had an emergency in the city of Portsmouth. I am making my motion ought to pass because I think Sen. Splaine, one of the sponsors of the bill, has an amendment to which he would speak if he had the opportunity. I think it covers all the problems that were mentioned by Commissioner Clements. To the lobbyists who did object, I asked them to meet with the sponsors to work over an amendment that would overcome the fears of the fire chiefs, and true to form for a couple of them, no efforts were made whatsoever. I think it's important that the Senate listen to testimony that Sen. Splaine might have to provide.

SEN. SPLAINE: This is perhaps the two most important safety bills that I see that we will be discussing during this legislative session when it comes to transportation of hazardous cargos. Two years ago we talked about improving the margin of safety on the transportation of hazardous cargos and we didn't do anything. Fortunately in the last two years here in New Hampshire at least, we haven't seen any accidents with the transportation of any of the energy gases. That is specifically what this legislation is addressing. Not gasoline, not fluorine, but liquid energy gases. Propane. This legislation, both these bills, we're addressing SB 76, were unanimously supported by the Portsmouth city council. As Sen. Preston pointed out, at the public hearing we had a number of city officials, the city manager came, the fire chief from Portsmouth came, the fire chief from Manchester attended, pointing to the potential for a serious problem

in the transportation of LPG, LNG and liquid energy gases. Fortunately we haven't had a situation yet in this state, but there have been a number of accidents in Canada, Spain, and other parts of the United States where a lot of lives have been lost. I wish that today you could see a film that is prepared to try to teach firemen how to deal with a fire that may occur from the rupture of a tanker or a truck carrying LPG or LNG. They call it a blevy. It's a boiling fire that literally can demolish anything within a one mile radius. This film which is used to teach firemen how to try to deal with this kind of fire, if one should occur within their districts, was shot at a time that a fire was going on and an explosion occurred, a blevy, from the liquid energy gases. It killed the cameraman, although the camera was still rolling. And it killed several of the firemen who were trying to fight the fire. Consequently, the fire departments throughout the state, throughout the country, when they are dealing with a liquid energy gas fire, will retreat, will try to evacuate. Our problem in Portsmouth, and this problem is significant anywhere in the state, is that a lot of the routes where the energy trucks go through are near residential areas. If there is a fire some people very well might die. A few days ago we talked about a big bang that may occur if a gasoline truck might be hit being stopped at a railroad siding. Well, a big bang would certainly occur if a blevy happens. If the fire department can't handle it, some people may lose their lives. SB 76 tries to address this problem by doing one simple thing, and that is to allow local communities, city councils, boards of alderman, boards of selectmen, to be able to determine alternate routes within their borders for the transportation of liquid energy gases. It wasn't quite clear in the bill so I have an amendment. It specifically says this, and as I read these 15 words tell me what is wrong with this kind of approach: The community would be able to meet with the commissioner and determine if an alternate route is available, and if it is agreed upon by the commissioner of public works and highways and the governing body. That is the rule that would be utilized by the transporter of the liquid energy gases. That's all. If an alternate route can be found. A lot of time there may be no alternate route. The primary route that is used in the transportation of liquid energy gases may be the route needed, okay, then the local community has to allow that route to be used. But if an alternate route

can be found, then the trucker of the liquid energy gas would have to use that alternate route. What's wrong with it? I'll tell you. And this is why the lobbyists representing the petroleum industry, and the lobbyists representing the C3 terminal in Portsmouth, the big monstrous container where the liquid energy gases in the seacoast is stored, came and testified to strongly against this. The margin of profit. We're talking about either the margin of safety for the residents of this state, or the margin of profit for the truckers and the users of LPG or LNG. That's exactly what the city manager in Portsmouth pointed out. We can provide that margin of safety if we tell the truckers, the users of LPG, LNG, you've got to absorb just a little more of the expense. Instead of coming, in our case in Portsmouth, through a three-state highway, Route 1, you would have to go through the toll road of Route 95. The truckers are going to fight that because they are not going to make so much money.

SEN. SANBORN: Right now, don't the towns and cities have the right to route those trucks that you call hazardous, the way they want them to go?

SEN. SPLAINE: No, they do not. I wouldn't be here today, nor would the city council of Portsmouth have worked on this legislation for three years, or the city manager, or the fire chiefs of Portsmouth and Manchester have expressed this kind of concern if they did. Anybody who is telling you is trying to destroy this legislation. It's that simple. We do not have that kind of a right to provide that kind of margin of safety.

SEN. SANBORN: If I am not mistaken, there used to be a time when the tankers to which you refer, coming into C3 in Newington, had the right to come down Route 16 to about the entrance of Pease Air Force Base, cross over onto the old road and then enter C3 in a straight line, by that road there with a very sharp angle off of the old road if you are coming from Dover. The town of Newington, through its selectmen, stopped that and they now have to come up over what used to be McCue's farm and come in and very dangerously cross traffic and try to get into that road. Am I right or wrong?

SEN. SPLAINE: What you are referring to was a joint agreement between Newington and Portsmouth. I was on the city council, I was assistant Mayor of Portsmouth at that time.

We worked out that to prevent them from using a city street. We're talking about the difference between a city street and a state highway. Route 1 is a state highway. It's under the jurisdiction of the commission of public works and highways. That is the route we are talking about in the seacoast and there are routes all over the other parts of the state that also have transportation of LPG and LPN on them. Right now the commissioner doesn't even have to talk with you.

SEN. SANBORN: Senator, you have not answered my question.

SEN. SPLAINE: Yes I did.

SEN. SANBORN: You're talking about Route 1, I'm talking about coming down Route 16 and crossing over. They cause a very hazardous situation where those tankers coming back from Dover or up that way now have to cross traffic and go in a very sharp street that goes to an angle opposed to the direction to which they have arrived, to get back to the C3 plant. Am I right or wrong?

SEN. SPLAINE: You're wrong.

SEN. SANBORN: How do they come in?

SEN. SPLAINE: That is the route that they follow but it certainly is not dangerous compared to the route that they were using through the city, where we had a housing development and where you've got the Newington Mall within a stone's throw of each other. That's what we're talking about, do we want to protect those lives?

SEN. SANBORN: Are you knowledgeable of the interstate emergency group?

SEN. SPLAINE: No. What are you talking about?

SEN. SANBORN: Senator, you're city fire department is allegedly a member of the interstate emergency group that takes in about all of Rockingham County, for your information. The further question that goes with this is, three times the interstate emergency has had schools, one was held in North Hampton which I attended for a day and a half, they have had one at the plant which I attended, and a third one which I was not able to attend. We saw the movies to which you refer and let me say, would you believe that I never saw once anybody from the Portsmouth Fire Department attend any one of those meetings?

SEN. SPLAINE: I believe that, if you say so.

SEN. WIGGINS: We heard testimony from John Clements, the highway commission, on the feasibilities and things that Portsmouth could do. There wasn't anything but what they could do without a bill. Even this amendment, they can get together with the highway commission right now and do what they want to do. It seems to me the only thing they want to do right now is to control Route 1, and that is a state highway. If they do this other, they will be in conflict with interstate commerce, and several other aspects. There are going to be a lot of court suits. I recommend the Senate go with the committee report of inexpedient to legislate.

SEN. PRESTON: Senator, did Mr. Nixon, the selectman from Newfields with the 41 LPG cars parked in Newfields, speak, saying his only concern was Route 1?

SEN. WIGGINS: No.

SEN. PRESTON: Did Mr. Nixon, from Newfields, indicate that he wrote to the PUC and that they responded that they had no jurisdiction for safety of LPG cars?

SEN. WIGGINS: I haven't got the minutes of the testimony there sir, if you wrote them down I would say that he did.

SEN. PRESTON: Would you believe that he could not find out from the department of safety, Mr. Sweeney, who in the state had jurisdiction over the safety for the transportation of parking of these LPG cars?

SEN. WIGGINS: I believe that he said that, but I also believe that he could have gone to the Interstate Commerce Commission and found out who had the jurisdiction.

SEN. BROWN: I rise in opposition to the minority report ought to pass. What I've said earlier in relation to the towns being able to do it with the present statutes is absolutely true. I have the evidence here. Commissioner Clements also testified to that practice that Sen. Wiggins just stated, he also stated as Sen. Wiggins did, that the problem with the city is Route 1 and he couldn't shut it off. If he did that he would have to shut off Route 4, Route 125, Route 3. It would also be a restraint of trade if he so did because it would block all other forms of transportation for other commodities. It was also testified that it was a very strong possibility that it could interfere with gas delivery to customers throughout the city. I urge you to go against the minority report.

Sen. Chandler moved the previous question.
Seconded by Sen. Stabile.

Adopted.

Sen. Splaine requested a Roll Call.
Seconded by Sen. Preston.

The following Senators voted yes: Blaisdell, Rice, Stephen, Champagne, Lessard, Preston, and Splaine.

The following Senators voted no: Conley, Freese, Hough, Bergeron, Chandler, Wiggins, Monier, Stabile, Kelly, Podles, Sanborn, Brown, and Roy.

7 yeas 13 nays

Motion failed.
Inexpedient to legislate.
Adopted.

1:03 p.m.

SB 78-FN, relative to communities allowing railroad cars holding certain gases to stand on sidings. Majority: Inexpedient to legislate; Minority: Ought to pass. Sen. Brown for the Majority; Sen. Preston for the Minority.

SEN. BROWN: I recommend the committee report of inexpedient to legislate for the following reasons: In relation to the tank cars and the railroad, the interstate commerce rules which are federally prevailed, they supersede all state and that perhaps settled the debate that Sen. Sanborn and Sen. Splaine had on the last issue. The B&M has an excellent safety record, for the past three years it has ranked second in safety. Some of the sponsors also testified that it was dangerous for children around the yards and the cars. No way could a child open any valves because they need special tools. They also testified that a child couldn't even lift a tool. If this bill is passed it would strongly curtail rail service, they would have to go into tank trucks which would be much more costly, much more expensive to the consumer. I urge your acceptance of the committee report.

Sen. Preston moved that the minority report of "ought to pass" be substituted for the majority report of "inexpedient to legislate."

SEN. PRESTON: The same public hearing, same proponents, same opponents. The fire chief indicated a very strong concern for the safety of the people of Portsmouth. There are some houses located within 50 feet of these cars that are allowed to sit in railroad sidings where they have had a problem. It is a very high density area. They suggested removing them to a remote area and I think that Sen. Splaine's amendment speaks to this and resolves the problem.

SEN. SPLAINE: This bill makes just as much sense as the last one and I suppose that the vote is going to be quite similar. It really surprises me that the lobbyists who testified at the hearing a couple of weeks ago on these pieces of legislation have the kind of influence that they apparently do in this Senate body. There is absolutely no reason, when we're talking about a margin of safety compared to a margin of profit on the operation and the transportation of hazardous cargo such as LPG which Sen. Preston just pointed out in some cases in Portsmouth at least and this happens to be the case in other parts of the state too, are parked within 50 feet of housing areas and housing developments and apartments. There is absolutely no reason that this kind of legislation, improving the kind of margin of safety that we now don't really have, can't be passed. This bill would not affect commerce. It would allow communities to be able to regulate within their own borders where the Boston and Maine Railroad, who sent their lobbyists to the public hearing and who influence on this floor today, and any other railroad or user to have to put their railroad cars some place else other than near residential areas. That's what the original bill did. There were some objections to that, so, I have prepared an amendment and I have reviewed this amendment with the city manager in Portsmouth, who was one of those testifying so very strongly on this legislation. This is what this amendment does, and again I have to ask you if you will please listen to this amendment to tell me after I read the amendment, what is wrong with taking this kind of approach? Notwithstanding any provision of law to the contrary, towns and cities shall have the power to make by-laws requiring that appropriate security measures

be required for railroad cars containing liquified propane gas, liquified natural gas, and liquified energy gas, stopped for any period of time at railroad sidings within the limits of that town or city. The security measures may require the erection of a fence or the posting of a 24-hour security guard. If the railroad complies with the required security measures, a town shall permit the railroad cars containing such gases to stop at railroad sidings within the limits of the town. What's wrong with that? Under this amended version of this bill, I can't even see how the lobbyists who were there for C3, Boston and Maine Railroad, the petroleum industry, or anyone else, would have any concern. If they are going to park their railroad cars within a community and the town or city selectment, council, whatever, considers that to be a problem because of a potential fire hazard, which these cars are, then the town may require security measures such as posting a 24-hour guard or fences. What's wrong with that? I'll tell you. What's wrong with that is again the margin of profit. As the city manager in Portsmouth pointed out at the public hearing, what we are really debating here is whether we should have a margin of safety for the public or a margin of profit for the users and for the transporters of these liquid energy gases. There is no reason in the world why this legislation as amended should not pass this body. I'll tell you, some day either on the roads or as this bill pertains to railroads, on the railroads we may have, God forbid, a big bang in this state and some people may die because of a blevy or something else. I'm going to be one of those pointing a finger at the lobbyists and at any Senator around this table who votes this legislation down.

SEN. STABILE: Whereas you are directing most of your testimony to the Portsmouth situation, I would like to know what was there first, the homes or the railroad?

SEN. SPLAINE: The homes, residences. We settled Portsmouth 355 years ago. We have different people now.

SEN. STABILE: You are saying to me that the homes that are there now where there before the railroad?

SEN. SPLAINE: Yes. We are talking about railroad sidings in the downtown area. In a number of cases the homes date back 300 years. As testimony pointed out, if we did have a blevy, if we had an explosion of one of the railroad cars in a railroad yard, and the fire chief pointed this out, we wouldn't

need any more urban renewal because we wouldn't have a downtown area of Portsmouth, and much of Portsmouth is historic. Right adjacent to it is the Hill, and those houses have been there far before the railroad. In Newfields, 41 cars were parked right adjacent to Rockingham junction, and if one of those cars goes another one might go, and really we won't have to worry about redistricting that part of the state if something happens.

SEN. STABLE: Whereas you have studied this situation obviously in depth, have you studied the cost effectiveness of your proposal?

SEN. SPLAINE: Cost effectiveness of a few fences and a 24-hour security guard for the B&M railroad or C3, a major user, a transporter of LPG, I think that they can afford it.

SEN. STABLE: Are you saying to me that you have or have not studied the cost effectiveness?

SEN. SPLAINE: I didn't add up the figures but I think that you can use your own judgment as to how much some fence would cost or/and how much some security guards would cost for 24-hour security service. We happen to be talking about every railroad line throughout the state and not only Portsmouth and Newfields has this kind of dilemma.

SEN. STABLE: This is exactly my concern, that everywhere else in the state that this would be implemented in. You are aware then that this would cost money?

SEN. SPLAINE: Yes. And as I speak to the margin of profit, of course I'm aware and I'm sure the lobbyists are too, sir.

SEN. STABLE: Do you know who would eventually have to pay this?

SEN. SPLAINE: The users. And the transporters, who are not paying for their margin of profit which they now have. We are talking about safety.

SEN. RICE: The beginning of your amendment says, notwithstanding any other law. Is that correct?

SEN. SPLAINE: To the contrary.

SEN. RICE: Do I interpret that to mean that that amendment recognizes that some federal law or other state law may take precedence?

SEN. SPLAINE: It sure does. Absolutely no way will this legislation affect interstate commerce. In fact in no way will this legislation as amended stop a railroad from being able to

transport. They would only have to, if the town requires it, provide some security, safety. That's what we're talking about.

SEN. RICE: We talked about cost effectiveness. Can you tell me what the cost of one human life is worth?

SEN. SPLAINE: Good question, and that's what we're talking about.

Sen. Blaisdell moved the previous question.

Adopted.

Roll Call requested by Sen. Splaine.

Seconded by Sen. Preston.

The following Senators voted yes: Blaisdell, Rice, Stephen, Champagne, Lessard, Preston, and Splaine.

The following Senators voted no: Conley, Freese, Hough, Bergeron, Chandler, Wiggins, Monier, Stabile, Kelly, Podles, Sanborn, Brown, and Roy.

7 yeas 13 nays

Motion failed.

Inexpedient to legislate.

Adopted.

Sen. Rice moved that SB 93 be removed from the table.

Adopted.

SEN. CHAMPAGNE: There will be an amendment on SB 93 which will change the committee report.

Sen. Rice moved the words "ought to pass" be substituted for the committee report of "inexpedient to legislate."

SEN. RICE: Testimony was heard before this committee. Based upon the initial testimony this bill was voted inexpedient to legislate by the committee. Sen. Champagne was absent the other day. He requested of Sen. Monier to place this on the table because there has been additional testimony. That additional testimony came from the Warden of the State Prison. An amendment has been suggested. Regrettably that

amendment came in after this bill had been reported out of committee. You all have a copy of the floor amendment before you. I would request that you vote in favor of ought to pass to replace inexpedient to legislate. If that motion carries then this floor amendment will be offered.

SEN. CHANDLER: You mentioned that there was some additional testimony by the Warden?

SEN. RICE: The Warden attended the hearing. The Warden did not agree with the original bill as it was written. Subsequent to that hearing, subsequent to the time that this bill was reported out of committee because of the deadline that we were facing, the Warden did have an amendment which he would find agreeable to the bill. I also concurred with the amendment, was willing to amend the bill to satisfy his requirements. That's what we have done and I therefore respectfully request that my motion be adopted.

SEN. SANBORN: Did the Warden communicate to the committee that he had changed his mind?

SEN. RICE: I believe that the Warden did talk to members of the committee, yes.

Adopted.

Sen. Champagne moved a floor amendment.

SEN. CHAMPAGNE: The Warden at the hearing had a problem with the bill because if it passed as originally submitted a prisoner could continually come in every three weeks and ask to have his sentence reviewed. Judges testified against that and so did the Warden. This amendment that has been put in allows the prisoner to do it once every two years. The Warden testified he could live with that and that's what the amendment does. We suggest support of the amendment.

SEN. CONLEY: What is the current situation, Senator?

SEN. CHAMPAGNE: A prisoner may request a review of his sentence up to 180 days after he is sentenced and after that there is no more review. This would allow him to come in every two years to have it reviewed.

SEN. SANBORN: We hear that the Warden agrees with this but does the Parole Board and Probation agree with these things?

SEN. CHAMPAGNE: Parole and Probation didn't even come in on the original hearings. I would assume they take no position at all. They didn't even come in when the bill as originally stated that the prisoner could come in any time he feels there should be a review.

SEN. WIGGINS: You probably realize that the courts are now clogged with rehearings on the sentences, at least they are in Sullivan County, for the review of the sentences. Do you not think that this would create a bigger work problem that we have now in those courts?

SEN. CHAMPAGNE: This is similar to a bill we had this afternoon called SB 165 which calls for mandatory sentences and no review at all by anybody. What this does is it would allow a prisoner to come in and the Warden testified that as long as you didn't have it too often he would be in favor of having it come in. And I think that's fine.

SEN. WIGGINS: Would you believe, Sen. Champagne, that in SB 165 there were no criminal violations in it?

SEN. CHAMPAGNE: Well, that's all a matter of opinion, I believe, Senator.

SEN. WIGGINS: Oh no, by law.

Floor Amendment to SB 93

Amend RSA 651:20 as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

651:20 Incarceration Under Suspended Sentence. Notwithstanding any other provision of law, the sentence to imprisonment of any person may be suspended, at the time of sentence or at any time while any part of the sentence remains unserved, but a petition to suspend sentence may not be brought less than 2 years after commencement of said sentence nor more frequently than every 2 years thereafter.

Amendment adopted. Ordered to third reading.

ANNOUNCEMENTS

Sen. Brown moved that the Senate now adjourn from the early session, that the business of the late session be in order at

the present time, that the reading of bills ordered to third reading be read a third time by this resolution and that all titles be the same as adopted, and that they be passed at the present time; and that when we adjourn, we adjourn until Wednesday, April 22, 1981 at 1:00 p.m.

Adopted.

LATE SESSION

Third Reading and Final Passage

CACR 6, relative to the right to bear arms. Ought to pass.

Roll Call.

The following Senators voted yes: Conley, Freese, Hough, Bergeron, Chandler, Wiggins, Monier, Blaisdell, Boyer, Kelly, Podles, Sanborn, Stephen, Brown, Champagne, Lessard, Roy, and Preston.

The following Senators voted no: Rice, and Splaine.

19 yeas 2 nays

Adopted.

CACR 11, relating to the state mandating and assigning programs and responsibilities to towns, and other political subdivisions. Ought to pass.

Roll Call.

The following Senators voted yes: Conley, Freese, Hough, Bergeron, Chandler, Wiggins, Monier, Blaisdell, Stabile, Boyer, Kelly, Podles, Sanborn, Stephen, Brown, Champagne, Lessard, Roy, and Preston.

The following Senators voted no: Rice, and Splaine.

19 yeas 2 nays

Adopted.

SB 225-FN, permitting towns to levy hazardous waste fees.

SB 213, establishing treble damages for civil actions arising from improper hazardous waste disposal.

SCR 8, requesting the commissioner of resources and economic development to name the Nansen Ski July after Alf Haverson.

SB 250-FN, relative to vending services in certain New Hampshire state parks.

SB 278-FN, relative to the expansion of promotion for the state parks.

SB 276, providing for the recovery by counties of amounts expended in aid of certain paupers.

SB 50, allowing political parties to set their own rules for choosing candidates to fill state senate vacancies.

SB 72, requiring agencies to justify any new forms and to review existing rules.

SB 79, requiring sessions for correction of the checklist before town meetings.

SB 95-FN, requiring agencies to submit proposed rules for legislative approval prior to filing a notice of intended action.

SB 126, relative to the color of ballots used in absentee voting.

SB 150-FN, authorizing special assessments to help finance public improvements.

SB 101, relative to liability and accident and health insurance forms.

SB 110, allowing insurers to offset unpaid premiums from amounts owed on claims.

SB 74-FN, requiring agencies to justify any proposed rules and to review existing rules.

SB 232, extending the study commission for an impact survey on the removal of advertising devices and the appropriation therefor.

SB 246, relative to the use of force in defense of premises.

SCR 9, urging the Congress of the United States to amend the United States Constitution to prohibit federally mandated programs without federal funds.

SB 243, relative to investing state pension funds in home mortgage markets.

SB 285-FN, establishing a state employee productivity incentive program.

SB 296, relative to enterprise zones.

SB 290, providing that joint committees be made up of equal numbers of members from the senate and the house.

SB 226, requiring financial disclosure by all members of the general court.

SB 134, relative to summary judgments.

SB 141, relative to the disqualification of a probate judge.

SB 140, concerning the compensation of acting probate judges.

SB 152, relative to shoplifting and warrantless arrests.

SB 159, prohibiting photography and television coverage in any courtroom.

SB 165, relative to the penalty for unlawful operation of a motor vehicle by an habitual offender.

SB 196, relative to the composition of the administrative committee of the municipal and district courts.

SB 131, requiring notice to towns and cities of impending default judgments.

SB 215-FN, prohibiting the Cheshire county attorney from engaging in the private practice of law.

SB 112, providing a referendum to discontinue the office of the city manager in the city of Berlin.

SB 221, to permit towns to establish trust funds for certain public purposes.

SB 298, relative to eviction of hotel guests.

SB 241, authorizing cities and towns to adopt innovative approaches to zoning.

SB 235, clarifying planning board procedures on the approval or disapproval of plats.

SB 230, removing the interest rate and other limitations on money borrowed by the City of Concord for its school district.

SB 228-FN, amending the meals tax as applied to vending machines.

SB 223, relative to regulation of garbage carriers.

SB 222, providing for a 1982 referendum in the City of Berlin to permit water commissioners to be appointed on a non-partisan basis.

SB 216, relative to the membership and election of charter commissions and the effective date of charter revisions.

SB 209, to permit the seizure of an OHRV when it is being unlawfully operated by a minor.

SB 127, establishing the boundary line between the City of Franklin and Northfield.

SB 190, to expand the purposes for which interest on probation department funds may be expended.

SB 202, relative to deputizing airport managers as law enforcement officers.

SB 188, relative to work release at the state prison.

SB 164-FN, relative to blood tests of pedestrian fatalities after a motor vehicle accident.

SB 111, establishing that human life begins at conception.

SB 163, relative to the qualifications of the director of public health services.

SB 187-FN, to establish an advisory committee for the regulation of lay-midwifery.

SB 194, requiring informed consent of the mother for an abortion and parental or judicial consent if the pregnant mother is a minor.

SB 309, relative to regulation of physicians and surgeons.

SCR 7, urging Congress to either reduce the federal mandate for special education or to fully reimburse federally mandated state expenditures for special education.

SB 138, relative to the operation of bicycles.

SB 307, relative to the regulation of business practices between motor vehicle manufacturers, distributors, and dealers.

SB 200, authorizing a preliminary breath alcohol intoxication test.

SB 169, providing that motor vehicle accident reports and certificates concerning the filing of accident reports are not admissible in most criminal trials resulting from the accident reported.

SB 88-FN, relative to the regulation of detective and security services.

Adopted.

COMMUNICATION

Honorable Robert B. Monier
Senator, District 9
Box 158
Goffstown, NH 03045

Dear Bob:

Thank you for forwarding to me a copy of Senate Concurrent Resolution 5. I agree 100% with your concern regarding the federal government using its monetary hold over the states

as a means of implementing federal policy. I would be happy to work with other Members of the Delegation to try and institute the legislative change suggested by the Resolution.

Thank you for forwarding this information to me.

Sincerely,

Judd Gregg
Member of Congress

Sen. Brown moved Reconsideration on SB 76 and SB 78.
Motion failed.

Sen. Splaine moved adjournment at 6:35 p.m.
Adopted.

Wednesday, April 22, 1981

The Senate met at 1:00 p.m.

A quorum was present.

The prayer was offered by Senator Chandler.

Let us pray. Our Heavenly Father, great archector of the universe and doer of all good, we ask thy blessing on those who assemble here in this room. We ask thy blessings on the state of NH and on all those who are working to save the delema that face the State. We ask this all in thy Holy Name. Amen.

Senator Boyer led the Pledge of Allegiance.

SEN. MONIER: The Chair wishes to apologize to Sen. Lessard. Yesterday during the heat of the time when I'm trying to watch fifty things, he asked for a parliamentary inquiry or point of order, I'm not sure which. I told him at that point that he should not interrupt debate. This is not correct. Parliamentary inquiry or point of order take precedence over anything and all things cease. What I thought Sen. Lessard was doing was trying to let me know that the tape was not running and I already knew that. That was what I was trying to do.

INTRODUCTION OF GUESTS

HOUSE MESSAGES

INTRODUCTION OF HOUSE BILLS
First and Second Reading and Referral

Sen. Brown moved the following resolution:

Resolved, that in accordance with the list in the possession of the Clerk, House Bills starting with number 560 and ending with 536-FN which corresponds to the lists on your desks, shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

HB 560, relative to the maximum amount of life insurance a creditor may hold on the life of a debtor. (To Insurance)

HB 597, removing statutory references to judicial imposition of solitary confinement at the state prison. (To Judiciary)

HB 106-FN, concerning taxation by the town of Chesterfield of property within the Spofford fire precinct. (To Public Affairs)

HB 258, providing for an adjusted elderly exemption from property tax by local option. (To Executive Departments)

HB 520, authorizing cities and towns to close restaurants and other food serving establishments for health code violations. (To Public Inst/Health & Welfare)

HB 543, relative to documents received by the register of deeds. (To Executive Departments)

HB 572, relative to county jails and houses of correction. (To Public Institutions/Health & Welfare)

HB 596-FN, relative to the mill rate charged for municipal permit fees on motor vehicles. (To Transportation)

HB 553, removing certain limitations on the prescription of controlled drugs. (To Public Inst/Health & Welfare)

HB 430, establishing a Pittsfield judicial district and a Pittsfield district court. (To Judiciary)

HB 528, relative to changes in the law against discrimination. (To Judiciary)

HB 390, relative to notice to lessees of certain safe deposit boxes concerning insurance on the contents of certain safe deposit boxes. (To Banks)

HCR 8, urging the Congress of the United States to enact legislation which would allow state rather than federal regulation of utility rates when the sale is intrastate when the generating, transmitting and distributing utilities are located in the state. (To Development, Recreation & Environment)

HB 248-FN, revising the manner of nominating certain candidates for special elections and providing a method of making appropriations therefor. (To Executive Departments)

HB 552, to clarify the functions of the medical examiner. (To Judiciary)

HB 444, recognizing July 13, 1835, as the date of incorporation of St. Paul's Episcopal Church of Concord. (To Judiciary)

HB 547, providing a period of grace for failing to obey motor vehicle inspection requirements. (To Transportation)

HB 393, relative to housing finance agency and housing commission programs and plans for buildings using renewable energy systems. (To Internal Affairs)

HB 352, relative to the offense of driving while intoxicated. (To Judiciary)

HB 423-FN, relative to a coastal coordination and local assistance act. (To Development, Recreation & Environment)

HB 290-FN, relative to supplying of generic drugs by pharmacists. (To Public Inst/Health & Welfare)

HB 464, providing funding for development, testing and implementation of the radiological emergency response plan. (To Internal Affairs)

HB 329-FN, authorizing a plaque to memorialize New Hampshire's Congressional Medal of Honor recipients and making an appropriation therefor. (To Finance)

HB 592, relative to the issuance of short term obligations by public utilities. (To Public Affairs)

HB 631-FN, permitting the establishment of student loan corporations. (To Education)

HB 549, relative to the judicial council. (To Judiciary)

HB 542, relative to shoplifting and warrantless arrests. (To Judiciary)

HB 491-FN, creating a uniform interest rate penalty for the late filing of tax returns. (To Ways & Means)

HB 586-FN, relative to distribution of normal yield taxes in unorganized towns and unincorporated. (To Public Affairs)

HB 595-FN, concerning the minimum fee for the municipal permit for motor vehicle registration and the fee for credit on the permit fee when a motor vehicle registration has been transferred. (To Transportation)

HB 616, relative to the exercise of limited police powers by certain persons within the division of safety services. (To Transportation)

HB 661, amending certain sections in RSA 111 and 112 relative to the militia. (To Public Affairs)

HB 399, relative to fair dealing in the distribution of fermented malt beverages. (To Ways & Means)

HB 535-FN, permitting bowling centers with 6 or more lanes to receive special liquor licenses. (To Ways & Means)

HB 311, restricting the horsepower of motorboats operating upon Robinson pond in Hudson. (To Development, Recreation & Environment)

HB 534, redefining oil relative to oil spillage in public waters. (To Development, Recreation & Environment)

HB 606, renaming Round pond Lake Eileen. (To Development, Recreation & Environment)

HB 614, extending the time limits for action on a motion for a rehearing. (To Development, Recreation & Environment)

HB 447, repealing RSA 657:11. (To Executive Departments)

HCR 6, relative to safety, cost reduction, and completion of the Seabrook nuclear power plant to meet the imperative and urgent need to hold down the cost of future electricity. (To Development, Recreation & Environment)

HB 391, relative to investment of funds by cooperative banks, savings and loan associations and building and loan associations. (To Banks)

HB 443, relative to bank directors' stock holdings. (To Banks)

HB 428, relative to the discharge and removal of employees from departments of county government. (To Executive Departments)

HB 619-FN, relative to the taxing of certain vehicles as personal property. (To Public Affairs)

HB 748-FN, relative to the court accreditation commission. (To Judiciary)

HB 627, revising the credit union laws. (To Banks)

HB 801-FN, establishing or designating the poison information and control center in the division of public health services. (To Public Inst/Health & Welfare)

HB 820, relative to the emergency medical service coordinating board. (To Public Inst/Health & Welfare)

HB 824, setting a limit on the number of children permitted in foster care. (To Public Inst/Health & Welfare)

HB 403-FN, relative to the confiscation of items used in connection with a felonious drug offense. (To Public Inst/Health & Welfare)

HB 527, requiring the reporting of adult abuse. (To Judiciary)

HB 580, relative to the creation of valid contracts between a husband and wife and between a man and woman in contemplation of marriage. (To Judiciary)

HB 633, revising the offense of disorderly conduct. (To Judiciary)

HB 675-FN, relative to penalties for the thief of utility services. (To Judiciary)

HB 835, establishing a procedure for extinguishment of mineral rights. (To Judiciary)

HB 657-FN, requiring that flood control lease receipts be distributed to towns. (To Public Affairs)

HB 666, enabling cities and towns to regulate certain activities on public property. (To Executive Departments)

HB 669-FN, establishing a committee to propose a recodification of local government law. (To Executive Departments)

HB 670-FN, establishing a committee to study municipal fiscal matters. (To Executive Departments)

HB 739-FN, relative to Haverhill Corner precinct. (To Public Affairs)

HB 744, extending a purpose for establishment of village districts and changing the time for the annual meeting. (To Public Affairs)

HB 823-FN, relative to liens for town and county paupers' assistance against persons awarded civil judgments. (To Executive Departments)

HB 852, relative to the membership on the New Hampshire veterans' home board of managers. (To Executive Departments)

HB 713-FN, redefining special wine licenses to permit the serving of wine without food in containers other than glasses. (To Ways & Means)

HB 714-FN, removing the prohibition on service bars in restaurant dining rooms for purposes of liquor licenses. (To Ways & Means)

HB 715-FN, relative to liquor licenses for first-class hotels. (To Ways & Means)

HB 674, prescribing procedures for termination of certain utility services. (To Public Affairs)

HB 710, relative to regulation of non-corporations as public utilities. (To Public Affairs)

HB 583-FN, concerning handicapped transportation under RSA 186-A. (To Education)

HB 672-FN, relative to establishing a moped operator's license. (To Transportation)

HB 433-FN, revising the tobacco tax laws. (To Ways & Means)

HB 516-FN, to remove the spousal exception to sexual assault offenses. (To Judiciary)

HB 529, relative to adoption records. (To Public Inst/Health & Welfare)

HB 536-FN, increasing the fees of bail commissioners to \$7 and \$12. (To Judiciary)

COMMITTEE REPORTS

SB 224, relative to mortgages on manufactured housing. Ought to pass. Sen. Boyer for the committee.

SEN. BOYER: This bill allows lending institutions to treat manufactured housing, that is what we know as mobile homes, the same as realty for the purposes of loans. As you know, manufactured housing has now gone up in cost and the price is comparable to homes of four or five years ago. This would allow lending institutions the flexibility but would not be mandatory to extend the terms or length of the loans, and take the mortgage on the manufactured housing just as much the same way they do on real estate. There was no opposition to the bill and it was a unanimous report from the committee that it ought to pass.

Adopted. Ordered to third reading.

CACR 12, relating to a limitation on state and local taxation and spending increases. Ought to pass with amendment. Sen. Sanborn for the committee.

SEN. SANBORN: Basically what this amendment does, in the original CACR 12 it had state agencies and we deleted the words state agencies because we had the problem of trying to find out how a state agency would get a two-thirds vote out of one commissioner. Whether they would raise one hand and one leg or what we did not know but that was a problem. Also we made a few other changes, very small ones. The resolving clause was cleared up so that it would be very clear as to what would be on the ballot when this is placed on the ballots. This was the first time we had seen Section IV, the effective date of this bill, in a CACR come through saying that it became effective upon the Governor's proclamation of its adoption and that the Governor had to do it in so many days. This is the first time we had ever seen a figure of so many days so we changed that to the standard adoption clause: it becomes effective when the Governor proclaims its adoption. He always does this after the vote has been received. That's what the amendment does.

SEN. ROY: Sen. Sanborn, would you please explain CACR 12?

SEN. SANBORN: Basically what CACR 12 does is it states that the taxes or fees raised by the state or any municipality, county, school district, school village, or other political subdivision will not exceed more than 5% of the revenues raised by that governmental unit in the previous year. It goes on to say that the expenditures authorized by any year's budget adopted by the General Court of the state or by any of the legislative bodies of the municipality, county, school district, village district, or other political subdivision, shall not exceed more than 5% of the previous year's budget. It adds a further stipulation that this limitation shall not apply in any given year if a vote to exceed the limit is passed by a 2/3 vote or in the case of the state budget the Legislature or the General Court, I should say, in the case of a political subdivision, it's annual meeting or other legislative body which in the case of

a city is usually the Mayor and Council. Basically that is the three prime points of CACR 12.

SEN. PRESTON: Is this similar to something that was presented by referendum to the towns as proposed by former tutional? We urge the members of the Senate to allow this

SEN. SANBORN: It is somewhat similar, yes.

SEN. PRESTON: Is it a duplicate of what was presented before? If not, what were the changes?

SEN. SANBORN: Basically the changes are in the amendment as proposed by the committee, which you have already accepted.

SEN. PRESTON: What percentage of the communities refused to adopt somewhat similar referendum in the last election year?

SEN. SANBORN: I have no idea.

SEN. PRESTON: Would you say it was a majority, Sen. Sanborn?

SEN. SANBORN: It could have been. Although I might add that I think there were only 180 communities that had it on their warrant, and many of those didn't even take it up, they just passed over it.

Amendment to CACR 12

Amend article 6-b as inserted by paragraph I of the resolution by striking out same and inserting in place thereof the following:

Art. 6-b. Limitations on Taxation and Expenditures.

(a) The revenues raised through taxes or fees by the state; or by any municipality, county, school district, village district, or other political subdivision shall not exceed by more than 5 percent the revenues raised by that governmental unit in the previous year.

(b) The expenditures authorized by any year's budget adopted by the general court for the state, or by the legislative body of any municipality, county, school district, village district, or other political subdivision shall not exceed by more than 5 percent the previous year's budget of that governmental unit.

(c) These limitations shall not apply for a given year if a vote to exceed the limit is passed by a 2/3 vote of, in the case

of a state budget or revenue, the general court or, in the case of a political subdivision, its annual meeting or other legislative body.

Amend the resolution by striking out paragraph IV and inserting in place thereof the following:

IV. Resolved, That the wording of the question put to the qualified voters shall be:

Are you in favor of amending the Constitution to limit taxation and expenditures by the state and all political subdivisions, to not more than 5 percent above the previous year's level, unless a proposal to exceed the limit in that year is approved by a 2/3 vote of the general court or in the case of a political subdivision, its local legislative body?

Amend the resolution by striking out paragraph VI and inserting in place thereof the following:

VI. Resolved, That if the proposed amendment is approved by 2/3 of those voting on the amendment, it becomes effective when the governor proclaims its adoption.

Amendment adopted.

The following Senators voted yes: Lamontagne, Conley, Freese, Hough, Bergeron, Chandler, Wiggins, Monier, Stabile, Podles, and Sanborn.

The following Senators voted no: Blaisdell, Boyer, Kelly, Rice, Stephen, Brown, Champagne, Lessard, Roy, Preston, and Splaine.

11 yeas 11 nays

Motion failed.

Senator Sanborn moved that CACR 12 be laid on the table. Adopted.

SB 183, relative to the limitation on certain political contributions. Inexpedient to legislate. Sen. Stabile for the committee.

SEN. STABILE: The committee met on this bill. This bill would reduce the limit on political contributions made by an individual from \$5,000 to \$500. It also limits the amount a political committee can contribute to any one candidate to \$500. The committee gave this a considerable amount of thought, all told the committee felt the spirit and intent of this piece of legislation was good. It was impractical from a point of view that in many cases the money would be contributed to candidates via conduits, via corporate step-down type contributions from the president right down to the secretary to a floor sweeper. This piece of legislation would be very easily circumvented therefore they voted that the piece of legislation was in effect inexpedient to legislate. Also because of the fact that there are other pieces of legislation that would be coming down the pike that could very well address this same subject and better accomplish the end result.

Adopted.

SR 6, requesting an opinion of the justices on the constitutionality of SB 29. Senator Conley for the committee.

SEN. CONLEY: As you know there has been some discussion with regard to SB 29 and its possible unconstitutionality. Therefore, with the agreement of the members of the committee, and hopefully with the members of the Senate's approval, we are introducing SR 6 requesting an opinion of the justices on the constitutionality of SB 29. The Resolved end of it reads: "That the Justices of the Supreme Court be respectfully requested to give their opinion upon the following questions: Is the campaign contribution limits formula in Senate Bill 29 based upon a dollar amount multiplied by the number of voters qualified to vote at the last general election constitutional, and is any formula which limits the total contributions which candidates for state office may accept based upon the number of eligible voters in the state constitutional?" We urge the members of the Senate to allow this situation to be cleared up by the Supreme Court before we take any affirmative action on SB 29.

Senator Conley moved adoption.

SENATE RESOLUTION NO. 6

requesting an opinion of the justices on the
constitutionality of Senate Bill 29.

Whereas, there is pending before the senate Senate Bill 29, an act limiting the campaign contributions which all New Hampshire candidates for local, county, or state office may accept; and

Whereas, said bill states as its purpose that it is in the public interest to encourage and enable all individuals to run for public office; that it is further in the public interest to limit federal requirements regarding campaign financing; that the general court recognizes that, under the guise of election law reform, the electoral process has been corrupted and turned into a commercial enterprise in which only wealthy candidates may compete; that the general court therefore declares that the means for enabling all citizens to run for public office is to limit the campaign contributions which candidates may accept and the money they may spend in running for all county, state, and local offices; and that in limiting campaign contributions to candidates for office, the general court recognizes a differing opinion between it and the United States Supreme Court over the states' regulation of elections; and

Whereas, said bill applies only to limiting campaign contributions that candidates may receive for state offices, and does not limit in any way campaign contributions for federal offices; and

Whereas, said bill provides that a candidate for governor, governor's councilor, county officer, or state senator may accept total contributions in both a primary and a general or special election equal to \$.50 multiplied by the number of voters qualified at the last general election to vote for the office which the candidate seeks; and

Whereas, said bill provides that a presidential elector running in a general election may also accept total contributions equal to \$.50 multiplied by the number of voters qualified at the last general election to vote for the office which the candidate seeks; and

Whereas, said bill further provides that a candidate for representative to the general court, and candidate for city, town, school district, or village district office in a primary,

general, or special election may accept total contributions equal to \$.25 multiplied by the number of voters qualified at the last general, municipal, or school district election to vote for the office which the candidate seeks; and

Whereas questions have arisen as to the constitutionality of the proposed act; now, therefor, be it

Resolved by the Senate:

That the Justices of the Supreme Court be respectfully requested to give their opinion upon the following questions:

Is the campaign contribution limits formula in Senate Bill 29 based upon a dollar amount multiplied by the number of voters qualified to vote at the last general election constitutional, and is any formula which limits the total contributions which candidates for state office may accept based upon the number of eligible voters in the state constitutional?

Be It Further Resolved that the clerk of the Senate transmit 7 copies of this resolution and 7 copies of Senate Bill 29 to the Justices of the Supreme Court.

Adopted.

SB 29, limiting the campaign contributions which all New Hampshire candidates for local, county, or state office may accept. Ought to pass. Sen. Conley for the committee.

SEN. CONLEY: We are moving this situation ought to pass in order that there will be some action to lay. The motion to put the bill on the table will simply put it on the table leaving it with the motion and action ought to pass when we hear from the Supreme Court. If the Supreme Court decision is negative then we would change that to inexpedient to legislate.

SEN. RICE: In the event that there should be a split decision from the Supreme Court or less than a unanimous decision one way or the other, or if it comes out an equal decision, does that mean that the bill automatically passes?

SEN. CONLEY: No it does not. It would have to be taken off the table and action would have to be taken on the bill.

SEN. BOYER: As I read the bill there is no limitation as to what a particular person can contribute or spend himself in a campaign. Do I read that correctly?

SEN. CONLEY: Yes, I think you read that correctly. These are some of the things that we are asking the Supreme Court to make a decision on.

SEN. BOYER: I rise in opposition to this bill as ought to pass. I don't want risking waiting for our third shot at this. I feel that the bill without having to go to the Supreme Court and finding out whether it is constitutional or not in its present form, is a bad bill and does not limit a particular candidate to what he can spend. By doing that it discriminates against poorer candidates in favor of the wealthy candidate who would not even need to get contributions from constituents. All he or she would have to do is fund his own campaign. For that reason I would ask that we vote against this bill.

SEN. SPLAINE: I don't want to let this issue go by without at least addressing it because I suppose there is no judging from our end what the Supreme Court might end up saying. I have mixed feelings on the concept of SB 29. I think that there is some benefit to making sure that candidates aren't going to be able to raise above and beyond a certain limit for their own campaigns. But on the other end, as Sen. Boyer just pointed out, we do have that built-in discrimination in the political process where a candidate who happens to be wealthy can spend just about whatever he or she would want to in order to gain elective office. I was one of the sponsors of the previous bill that we just defeated that would have tried to limit the amount of money which can be contributed to a candidate. Right now running for the State Senate we can get contributions of up to \$5,000 although I don't know why somebody would want to contribute that much unless somehow they wanted something or they really had a lot of confidence in a candidate. I certainly think that we ought to look at the issue, the entire issue, of trying to, within reasonable guidelines and acceptable to the courts and the constitution, we have to look into the problem of campaign spending, the amount of money that is spent and the amount of money that is raised. I have no real objections to sending this issue to the Supreme Court, maybe somehow they can give us some better guidelines that we are going to be able to prepare legislation around in two years. I do think that SB 29 as it is currently written would need a lot of work before I would certainly vote for it. I think that the intent of trying to make sure that people don't buy them-

selves influence, buy themselves state jobs, or whatever, by contributing to a gubernatorial candidate, a candidate for Governor's Council, State Senate, or State Representative, I think that intent is important. I do think we have to balance that with the possibilities that if we do nothing the present system continues and the present system leaves a lot to be desired, too.

Sen. Conley moved adoption.

Adopted.

Sen. Stabile moved that SB 29 be laid on the table and after the Supreme Court decision the rules have been suspended to allow this bill to pass to the House after the deadline.

Adopted.

SB 104-FN, making an appropriation for emergency sewer system repairs at the youth development center. Inexpedient to legislate — covered by other legislation. Sen. Sanborn for the committee.

SEN. SANBORN: We had a very good hearing on SB 104-FN and SB 100 which will be following. After discussing this and looking it over closely, this is not the proper place for SB 104-FN to show up. We amended it into another place in a later bill and therefore because it is in another bill we recommend that it be inexpedient to legislate because it is covered by other legislation.

SEN. PRESTON: Could you tell me what other legislation you can assure me this will be included in?

SEN. SANBORN: SB 100 which is coming up next.

Adopted.

SB 100, making a capital appropriation to the youth development center. Ought to pass with amendment. Sen. Sanborn for the committee.

SEN. SANBORN: What SB 100 originally intended to do was take some \$133,000 that was left over from a capital improvement act of about 2 years ago that was in search of

a halfway house in Nashua. Plans were prepared but no land was obtainable in the City of Nashua, accordingly the remains of that money, which as I say totaled a little over \$133,000, was still available in the capital. They wanted to take that capital improvement money and use it in making some changes in procedures and so forth and change cottages at the present campus in Manchester, which actually should have been made through General Appropriations, through the regular operating budget. Accordingly, since the sewer was, and we saw pictures of the sewer, quite a problem, it seems it was an old buried tunnel more or less that ran down through the middle of the campus to allow a brook to come down through underground. That kind of a bridge that went over it had collapsed in some places and allowed the ground to settle and also allowed the sewer pipe that ran above it to break and so raw sewerage is going down through that tunnel and out into the river. This is a capital improvement item so the Finance after looking this over closely decided to use \$130,000 of that \$133,000 plus to repair this storm drain or whatever you want to call it, plus the sewer down through the campus of the Youth Development Center. The remaining money can be used to start some of their improvements and we hope that they will come back in the operating budget and really explain what the procedural changes are that they want to do down there so that they can be put in the operating budget where they properly belong.

SEN. KELLY: Is there still time in the process to do what you have just indicated under the proper appropriations?

SEN. SANBORN: Since the Finance Committee has not gotten into the operating budget as yet, they would have plenty of time to come before us and say what their procedural changes are going to be and what money they are going to need to do that. Either that or we have both budgets, both the capital budget and the operating budget to come before Senate Finance as yet. So you have plenty of time to get in on either one of those.

Amendment to SB 100

Amend section 1 of the bill by striking out same and inserting in place thereof the following:

1 Youth Development Center. Amend 1978, 49:1, VI, C as amended by 1979, 435:29 by striking out said subparagraph and inserting in place thereof the following:

C. Site Acquisition — design
and planning — halfway house
in Nashua vicinity and
replacement of an existing
stone arch storm drain and
replacing the damaged sanitary main. \$135,000

Amendment adopted. Ordered to third reading.

HB 50-FN, to provide an emergency appropriation for the Supreme Court operating budget and for the state library. Ought to pass. Sen. Bergeron for the committee.

SEN. BERGERON: The Supreme Court and State Library were in and the problem simply is that the Supreme Court needs the money for their Wang maintenance contract on their computer. The bill is due and they are unable to pay it. The library has run out of money on their supplemental and pocket parts for their books. That is all that the supplemental request is for. The committee was unanimous in urging passage of HB 50-FN.

Adopted. Ordered to third reading.

SJR 2, relative to retirement credit for Margaret M. Upson. Ought to pass with amendment. Sen. Roy for the committee.

SEN. ROY: Margaret Upson was a teacher in the system for many, many years, beginning in September of 1939 to June of 1943, left the teaching profession and then picked up after her children were raised. SJR 2 merely asks that she be permitted, upon approval by the Board of Trustees of the New Hampshire Retirement System, to receive the retirement credit for that time. Additionally she is agreeing to pay her share during that time and in order to receive an actuarial record she will also pay \$175 for that record.

Amendment to SJR 2

Amend the resolution by striking out all after the resolving clause and inserting in place thereof the following:

That notwithstanding any provisions of RSA 100, RSA 100-100-A, or RSA 192, Margaret M. Upson shall be entitled to receive retirement credit for her service as a teacher from September, 1939, to June, 1943, upon approval by the board of trustees of the New Hampshire retirement system and upon payment by Margaret M. Upson, and any municipality involved, or any amounts needed to fund the additional creditable service with no cost to the state; provided, however, to receive credit for the period which she was employed, she may petition the board of trustees to obtain an actuary's statement indicating the costs, providing she agrees to pay for the statement, and upon payment of the amount determined by the actuary.

Amendment adopted. Ordered to third reading.

SB 174-FN, repealing the gasoline tax exemptions for gasohol and in its place providing for a temporary incentive from the business profits tax for gasohol producers. Inexpedient to legislate — withdrawn by sponsor. Sen. Hough for the committee.

SEN. HOUGH: The committee had a public hearing on SB 174-FN and the only person to testify was the bill's sponsor, Sen. Lamontagne, who effectively asked that we withdraw the bill. The report is inexpedient to legislate with the justification of Sen. Lamontagne's request. This has been handled on a present statute.

SEN. LAMONTAGNE: The reason I withdrew this bill is because I got together with John Clement, the Commissioner of Public Highways, and at the same time I got together with AAA and therefore it was found that the highway funds, the Commissioner felt that he could take care of that 5% that we had already passed. Therefore it is not necessary to repeal and that's why I have withdrawn the bill.

Adopted.

SB 253-FN, providing cost of living increases to teachers retired prior to 1957. Ought to pass. Sen. Hough for the committee.

SEN. HOUGH: The committee had a public hearing on SB 253-FN. This bill is perhaps the single most important money bill that will be passed in this session. It is a bill that comes in every session. What we are dealing with is 61 retired school teachers who are of the ages of 84 to 101. These teachers have given many years of service to the children in the State of New Hampshire. They are very elderly. Their pensions are grossly inadequate. This is an appropriation of \$5,000, and even at a time such as this where the Senate Finance Committee is scrutinizing every penny I think that there is no one who can't agree that these 61 elderly teachers are deserving of an income. The committee was unanimous in recommending that this bill ought to pass.

SEN. BLAISDELL: I will be very brief. Two years ago we brought this bill to the floor of the Senate, there were 92 of these teachers living and as you can see today, as Sen. Hough reported, there are just 60 of them now. The average age is around 91 or 92. One of the best things you can do in this session is pass this because when we found these people with 40 years of service, some of them were getting about \$86 a month as a pension for all their services to the State of New Hampshire. We have brought them up to where it is at least a subsistence wage anyways, and I urge your passage.

Adopted. Ordered to third reading.

SB 268-FN, relative to retaining a percentage of money due contractors on state contracts. Ought to pass with amendment. Sen. Hough for the committee.

SEN. HOUGH: The committee had a public hearing on SB 268-FN. There is no fiscal impact to the State of New Hampshire or the towns or counties under this bill. What it simply does is it allows contractors who have engaged in construction projects for the State to take those percentages of monies that are held by the State and have them put in to

instruments of deposit that will earn them interest while that money is being retained. In this time of very severe money problems contractors who have to set aside these dollars should at least gain the interest that this bill would allow. The committee was unanimous on recommending that this bill ought to pass.

SEN. LAMONTAGNE: Who gets the interest?

SEN. HOUGH: The contractor.

Amendment to SB 268-FN

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 State Contracts. Amend RSA 8 by inserting after section 3232-b the following new section:

8:32-c State Contracts; Withholding Percentage of Money Due. Under any contract made or awarded by a state agency which exceeds a total of \$500,000 and on which a state agency withholds a percentage of the money due the contractor, until the state agency has accepted the contract, the contractor may withdraw the whole or a portion of the amount retained under the following conditions:

I. A negotiable certificate of deposit, United States treasury notes, United States treasury certificates of indebtedness, United States treasury bills, or bonds or notes of the state of New Hampshire or of any political subdivision of the state of New Hampshire in an amount equivalent to the amount to be withdrawn shall be first deposited with the treasurer of the state of New Hampshire. The initial amount deposited shall be at least \$10,000. No amount shall be withdrawn in excess of the market value of the securities at the time of deposit or the par value of such securities, whichever is lower. The minimum value of any individual security shall be \$5,000.

II. With prior notification to the contracting agency of the state and the state treasurer, the contractor shall be allowed to substitute securities for those deposited under paragraph I, provided that the market value of the new securities at the time of substitution or the par value of such securities, whichever is lower, shall be equal to or exceed the amount withheld by the state agency.

III. The state treasurer shall collect all interest or income when due on the obligations so deposited and shall pay the same, when and as collected, to the contractor who deposited the obligations. If the deposit is in the form of coupon bonds, the state treasurer shall deliver each coupon as it matures to the contractor. The state treasurer shall have the power to enter into a contract or agreement with any national bank, trust company or safe deposit company located in New England for custodial care and servicing of any securities deposited with him under this section. Such services shall consist of the safekeeping of the securities and of all services required to effect the purpose of this section.

IV. Any amount deducted by a state agency pursuant to the terms of the contract, from the retained payments due the contractor, shall be deducted, first from that portion of the retained payments for which no security has been substituted, then from the proceeds of any deposited security. In the latter case, the contractor shall be entitled to receive interest, coupons or income only from those securities which remain after such amount has been deducted.

V. Any assignment of retained payments made by the contractor shall be honored by the state treasurer as part of the procedure to accomplish the substitution of securities under this section, provided that the assignment will not be made without prior approval by the contracting state agency and the state treasurer. The assignment shall not impair the equitable rights of the contractor's surety in the retained payments, in the securities substituted for retained payments in the event of the contractor's default in the performance of the contract, or in the payment of labor and material bills or other obligations covered by the surety's bond.

8:32-d Rulemaking. The state treasurer may adopt rules, pursuant to RSA 541-A, relative to the substitution of securities for the amount retained on state contracts.

Amendment adopted. Ordered to third reading.

SB 297, to establish a commission to study the ramifications of the state's assumption of FICA obligations for state employees. Ought to pass. Sen. Sanborn for the committee.

SEN. SANBORN: Basically what this bill does is it establishes a committee or a commission to make a study of the state employees' FICA tax. The state of Texas already has a case before the United States Supreme Court where the state would pay the entire FICA tax of a state employee giving a state employee more money actually in his pocket. In other words it is a raise to the state employee in that he can take more money home. What this bill does is establish a commission to study and see if it is possible to do anything here in the State of New Hampshire and to watch and see what the Supreme Court's decision is going to be on the Texas case. From that we can work one way or another and find out whether we can help the state employees take home more money in their pocket than they are now. The old members of the Senate may remember that we did this as far as Blue Cross/Blue Shield is concerned. The state took over the paying of the Blue Cross/Blue Shield and actually put more money into the pockets of our employees. I think that this is a good case in point. We might be able to study this and find out what happens in the Supreme Court on the Texas case and not cost us an awful lot of judicial expense.

Adopted. Ordered to third reading.

SB 248-FN, allowing departing state employees to withdraw their retirement contributions sooner. Inexpedient to legislate. Sen. Roy for the committee.

SEN. ROY: SB 248-FN would allow departing state employees to withdraw their retirement contributions within a month, four weeks. We have learned that it is an absolutely impossible for that length of time and that in fact the 90 days or 3 months is required simply because of the two-week pay period, the delay in the final check, the delay in posting to the CDP, the computer data processing area. The information we've received is that if they hand post it the retiree could receive the compensation much faster but unfortunately that is not the way the system works today. Philosophically we do agree with the shorter period of time and additionally I must say that because of the circumstances we as a committee found unanimously that the bill should be inexpedient to legislate.

SEN. LESSARD: I think that three months is rather an excessively long period and I was wondering if the Retirement System was willing to compromise in any way, perhaps allow two months. Was there any middle ground that could be found during the hearing?

SEN. ROY: Apparently not. We tried very hard for middle ground. We tried very hard for a thirty day time period but because of this system we have to believe that it takes them 90 days to perform that process.

SEN. BERGERON: What Sen. Roy in her report has given you is correct, Sen. Lessard, but we also recognize the problem. It is not unique and we are all concerned about it. As a direct result of this we put Mr. McCrady on the spot and told him we wanted some changes but part of the problem also is that refunds are processed separately for your State and your political subdivisions. The problem really is with CDP and not so much your Retirement Board. Of the amount of checks processed recently the time frame has diminished. The other encouraging thing that I want to report to you and that we intend on holding the Retirement Board to this. They are going on their own computer system time frame we hope by January 1, 1982. With the Chair's permission I would like to just read, and it would answer your question, some of the results that we have extracted from the Retirement System: "On Friday, April 17, 1981, thirty-eight checks were mailed to terminated employees of political subdivisions. The termination dates ranged from 2/1/81 to 2/28/81. Bearing in mind that subdivisions report monthly, let's assume that all February reports were received by March 5, though they were actually due by March 15. The maximum waiting period for the 2/1/81 terminnee was 43 days after our receipt of the employer's report of contributions and the money. The minimum period for the 2/28/81 terminnee was 16 days. On the same date fifty-eight checks were mailed to terminated employees of the state, termination dates ranged from 2/3/81 to 2/28/81, because of the delayed payroll dates of receipt of the money in our office ranged from 2/23 to 3/23 the maximum and minimum waiting periods were 53 days and 25 days, respectively." What he goes on to say is that we should consider the following: 1) Refunds are grouped by the month of termination because all information, hence the dollar amount of the refund, is reported by CDP to us

on a monthly basis; 2) Check writing requests are accepted by CDP on Fridays only; and 3) The checks in his survey were received in the mail April 17, the requests were forwarded to CDP April 10. We are all working on the project, and as I say, hopefully by January 1 we will be on-line and we can have checks mailed to these people within two weeks after their termination.

SEN. SANBORN: I would like to just add one thing to what Sen. Bergeron and Sen. Roy have already said in respect to Sen. Lessard's question. Sen. Lessard wants to tell his state employees one thing: Don't start counting that 90 days the day they left the job. They have to start counting the 90 days from when their last pay check is received.

Adopted.

SB 242, relative to certain fire insurance contracts. Ought to pass with amendment. Sen. Blaisdell for the committee.

SEN. BLAISDELL: SB 242 has been adopted in forty-two states. It conforms to the main statute. All it does is approve a new form for homeowner's insurance. It's a simplified form that the Commission would have to approve. It makes it much easier for you and I on our homeowner's policies. The Commissioner spoke for it and there was no opposition in the committee and we vote ought to pass.

Amendment to SB 242

Amend RSA 407:2-a as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

407:2-a Combination Coverages. Any policy or contract otherwise subject to RSA 407:2, which includes either on an unspecified basis as to the coverage or for a single premium coverage against the peril of fire and substantial coverage against other perils, need not comply with the provisions of RSA 407:2, provided:

I. Such policy or contract shall afford coverage, with respect to the peril of fire, not less than the coverage afforded by such New Hampshire standard fire policy;

II. That such coverage as to the peril of fire shall be made subject without change to the same general provisions and stipulations as those of such standard fire policy;

III. The provisions in relation to mortgagee interests and obligations in such standard fire policy shall be incorporated therein without change;

IV. Such policy or contract is complete as to all of its terms without reference to the standard form of fire insurance policy or any other policy;

V. The insurance commissioner is satisfied that such policy or contract complies with the provisions hereof.

Amendment adopted. Ordered to third reading.

SB 199, relative to simplification of language in life and health insurance policies. Ought to pass with amendment. Sen. Bergeron for the committee.

SEN. BERGERON: What this does is allow the simplification of the language in life and health insurance policies as passed by the model National Association of Insurance Commissioners report. It is basically a simple bill that just allows simplification of the language in the form.

Amendment to SB 199

Amend RSA 408-B:5, I(a) as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

(a) The text achieves a minimum score of 50 on the Flesch reading ease test or an equivalent score on any other comparable test as provided in paragraph III.

Amendment adopted. Ordered to third reading.

SB 172, relative to the cancellation of certain insurance policies. Ought to pass with amendment. Sen. Bergeron for the committee.

SEN. BERGERON: SB 172 was introduced as a direct result of the National Council of State Legislators, the Conference of Insurance Legislators, the National Arson Com-

mittee, to do specifically with problems related to arson. When you have a known arson problem they can now take direct action. What the amendment simply does is it changes the date of notice from 5 days to 10 days and it also limits the reasons for cancellation as opposed to what was in the original bill.

Amendment to SB 172

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Cancellation on 10 Days' Notice. Amend RSA 417-B:4, I (supp) as inserted by 1971, 453:1 by striking out said paragraph and inserting in place thereof the following:

I. State the date, not less than 45 days after the date of such mailing or delivery on which such cancellation or refusal to renew shall become effective, except that such effective date may be 10 days from the date of mailing or delivery;

(a) When the policy is being cancelled or not renewed for nonpayment of premium;

(b) When the policy is being cancelled within 60 days of its effective date provided such policy is not a renewal; or

(c) When the policy is being cancelled because of the existence of any one or more of the following conditions:

(1) A building which has been damaged by a peril which was insured against and where there has been a satisfactory adjustment of loss and where the insured has stated, or such time has elapsed as clearly indicates, that the damage will not be repaired;

(2) A building which, because of its physical condition, is under an outstanding order to vacate or an outstanding demolition order, or which has been declared unsafe. Such order or declaration shall be in accordance with applicable law;

(3) A building where conditions exist dangerous to life, health or safety, and which is not maintained in accordance with applicable law.

Amendment adopted. Ordered to third reading.

SB 301, requiring standard notice requirements for reductions in coverage in all fire, liability, and motor vehicle lia-

bility insurance policies. Ought to pass with amendment. Sen. Bergeron for the committee.

SEN. BERGERON: What Sen. Lamontagne was getting at here is when an insurance company issues a renewal policy and there is any reduction in coverage over what the insured had in the previous year, the company has to put on the face of the policy notification of the changes.

Amendment to SB 301

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Notice Requirements in Fire Insurance Contracts for Reduction in Coverage. Amend RSA 407:22 by insertting after the unnumbered paragraph entitled "Concealment, fraud" the following new paragraph:

Notice requirements.

In the event that a company or filing or rating organization eliminates or reduces coverages, conditions or definitions in its policies issued under this section other than at the request of a policyholder, the company must attach to the policy a printed notice in each such policy explaining clearly what coverages, conditions or definitions have been eliminated or reduced. If explanations of such reduced or eliminated coverages are not contained in the printed notice attached to its policies, then such coverages, conditions or definitions shall remain in full force and effect without such reductions or eliminations. The requirements of this section shall apply only to such policies renewed or endorsed with the same company.

2 Notice Requirements in Liability Insurance Policies for Reduction in Coverage. Amend RSA 412 by inserting after section 2-b the following new section:

412:2-C Notice Requirement. In the event that a company or filing or rating organization eliminates or reduces coverages, conditions or definitions in its policies issued under this section other than at the request of a policyholder, the company must attach to the policy a printed notice in each such policy explaining clearly what coverages, conditions or definitions have been eliminated or reduced. If explana-

tions of such reduced or eliminated coverages are not contained in the printed notice attached to its policies, then such coverages, conditions or definitions shall remain in full force and effect without such reductions or eliminations. The requirements of this section shall apply only to such policies renewed or endorsed with the same company.

3 Notice Requirements in Motor Vehicle Liability Policies for Reduction in Coverage. Amend RSA 268:15 as amended by striking out said section and inserting in place thereof the following:

268:15 Policy; Form.

I. No motor vehicle liability policy, as defined in RSA 268:1, shall be issued or delivered in the state, until a copy of the form of the policy has been on file with the insurance commissioner for at least 30 days, unless during that period the insurance commissioner shall have approved in writing the form of the policy, nor shall such policy be issued if the insurance commissioner notifies the insurance company in writing that, in his opinion, the form of the policy does not comply with the laws of the state. Notification of his approval or disapproval shall be given in writing within said period. The insurance commissioner shall approve a form of policy which contains the name and address of the insured, a description of the motor vehicles and trailers or semi-trailers covered, with the premium charges therefor, the policy period, the limits of liability as between the insured and the insurance company, and an agreement that insurance is provided in accordance with and subject to the provisions of this chapter. The policy may provide that the insured, or any other person covered by the policy shall reimburse the insurance carrier for payment made on account of any loss or damage claim or suit involving a breach of the terms, provisions or conditions of the policy; and further, if the policy shall provide for limits in excess of the limits specified in this chapter, the insurance carrier may plead against any plaintiff, with respect to the amount of such excess limits of liability, any defenses which it may be entitled to plead against the insured, and any such policy may further provide for the prorating of the insurance thereunder with other applicable valid and collectible insurances.

II. In the event that a company or filing or rating organization eliminates or reduces coverages, conditions or defini-

tions in its policies issued under this section other than at the request of a policyholder, the company must attach to the policy a printed notice in each such policy explaining clearly what coverages, conditions or definitions have been eliminated or reduced. If explanations of such reduced or eliminated coverages are not contained in the printed notice attached to its policies, then such coverages, conditions or definitions shall remain in full force and effect without such reductions or eliminations. The requirements of this section shall apply only to such policies renewed or endorsed with the same company.

4 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted. Ordered to third reading.

SB 234, to increase the minimum limits of motor vehicle liability insurance for bodily injury and to provide fair and reasonable compensation to citizens of New Hampshire injured by uninsured motorists. Inexpedient to legislate. Sen. Bergeron for the committee.

SEN. BERGERON: SB 234 is reported as inexpedient for basically three reasons. Number one is that no one appeared in favor of the bill but there was a considerable amount of opposition. This bill would mandate higher liability limits than any other state in the nation. It would increase the cost to consumers. And finally, again, it would mandate coverage.

Adopted.

SB 281-FN, permitting the financing of outdoor recreational facilities by the industrial development authority and expanding the definition of industrial facility to include waste conversion facilities. Ought to pass. Sen. Freese for the committee.

SEN. FREESE: This bill permits the industrial development authority to issue revenue bonds financing outdoor recreation facilities. It also adds waste conversion facilities. This proposed legislation is to help the credit-worthy outdoor recreation business in our state borrow money at lower rates of interest to build and expand their facilities. We are all aware

that this state is a recreational one and our own people as well as many others outside New Hampshire flock here for the resort and recreational activities, both summer and winter. More often than not when people come in they use the recreation facilities, they eat, they stay overnight, use our roads and stop for gas and so forth. All of which generates income dollars for our many recreational businesses as well as for our state government. There was no testimony against this bill in the hearing and the committee recommends ought to pass.

Adopted. Ordered to third reading.

SB 145, relative to actions for medical injury. Ought to pass. Sen. Freese for the committee.

SEN. FREESE: This bill reenacts certain provisions of RSA 507-C, relating to actions for medical injury. The legislative action is necessary because the Supreme Court decided that some sections of RSA 507-C were unconstitutional. The court also approves certain other sections in the case decided December 1980. But the courts said it would not enforce the entire chapter because it claimed it could not tell what remaining portions of chapter 507-C the Legislature wished to leave standing. That's why the bill is here before you today. A study commission reported in 1977 recommending that the Legislature adopt additional legislation to address the problem of medical liability in two additional ways: First, to increase supervision of medical profession through strengthening the Board of Registration in Medicine; second, to stabilize the law of medical liability so control and costs of medical liability law suits could be controlled. These two additional approaches were contained in HB 314 of the 1977 session. There was a hearing, a very extensive hearing on this bill and the committee is recommending it ought to pass.

Sen. Boyer moved that SB 145 be sent to Interim Study.

SEN. BOYER: This ought to be properly called the "Doctor's Relief Pact of 1981". The first question I would have would be why do we single out one particular profession or group of individuals to receive favorable treatment?

This act would allow only a two year statute of limitations. Presently, generally, for personal injury actions you have a six year statute of limitations. Of all groups of people that perhaps do not need additional protection, are doctors and intern insurance companies. The reason that we are told the original legislation, which was recently overturned in the Supreme Court, was initiated was because of the fear of increased premiums or the unavailability to obtain malpractice insurance in New Hampshire. However, that fear never came to be an actuality. To the credit of the doctors. The experience has been that New Hampshire's rate for malpractice cases and recoveries has been far below the national average and that doctors have been able to get insurance coverage for less than the national average. Now let's take a look at the people that are being protected under this bill and the people that will be disenfranchised from the bill. The doctors, the only reason and concern they should have is whether they have coverage. The facts are that they do have the coverage at less than the national average. You have the patient, you have some practical problems of a patient finding out and bringing suit within two years, when in a normal situation under all other cases in New Hampshire other than product liability, he would have six years. You have the fact that you are not allowed to state in the writ how much your damages are for. This is the only case, for doctors only, that you can not claim in your writ what your damages are for. And there is a special hocus-pocus program in here on how you are supposed to tell the other side very quietly what your damages are. We are supposed to have trials open to the public. The big criticism of the legal profession is that we are too secretive but yet it is perfectly okay to keep it quiet when we are talking about the medical profession. In terms of my personal involvement as a lawyer, frankly, I haven't handled a medical malpractice case, I wouldn't plan on handling a medical malpractice case because we are not equipped to handle it, we would refer it to another law office. So I don't have a particular axe to grind except that it is not fair to the consumer, and it is not fair to the legal process to recognize one particular group above all other groups that doesn't need protection. Why doctors over optometrists? Why doctors over podiatrists? Why doctors over dentists? Why medical health carriers over anybody else? For these reasons I urge you to support my motion.

SEN. FREESE: Were you aware that in 1977 that the malpractice insurance rates skyrocketed and in some areas, I'm not sure that it was New Hampshire but I am sure that in different areas of the country it was impossible for doctors to buy medical malpractice insurance to carry on a practice?

SEN. BOYER: Yes, I agree that in some areas that it did skyrocket but as a practical matter, and a matter of fact in New Hampshire, the New Hampshire experience was not that. It did not skyrocket. I think that the concerns were legitimate at the time because we were looking at a national trend and I think the fears were that New Hampshire was next, but as a matter of fact it did not occur here.

SEN. FREESE: You would admit, wouldn't you, that the rates did accelerate in New Hampshire at that time and that it increased, as it were, the rates that the medical doctors had to receive from the consumer?

SEN. BOYER: I would agree that they increased but not significantly enough to give the doctors advantage of a doctor's relief act and further that insurance for most professions, to include legal professions, went up during the same period of time. My legal rate went up well over 100% but we didn't come in here seeking a lawyer's relief act.

SEN. BLAISDELL: Sen. Boyer, would you believe in the testimony that one doctor's medical malpractice insurance went from \$600 to \$10,000? Would you believe that, Senator?

SEN. BOYER: If Sen. Blaisdell tells me that that is his testimony I would believe that, yes.

SEN. BLAISDELL: Would you then tell me, Sen. Boyer, who pays that when it goes to \$10,000 for that doctor? Would the consumer pay that?

SEN. BOYER: I imagine that the consumer pays that just as well as the consumer paid my rate increase which was substantial as well.

SEN. BERGERON: I wish I had a recording here because I could play the song "I Heard It All Before". For the edification of the members of the Senate, what you've heard our distinguished member from the 13th District, we've heard all before. I would like to remind you of a simple, basic fact. A couple of facts. Number one, what you have to remember and what the problem is here is that this entire chapter was voided by the New Hampshire Supreme Court on December 31, 1980. This bill simply reenacts some of the provi-

sions that were not found unconstitutional or which the court itself approved. For the edification of some of our newer members, as I look around this room and I listen to Sen. Boyer, I must remind the Senate of one late evening back here a few years ago when the original statute was introduced. We heard all the arguments. We passed a bill and that same night we also, for the benefit of a member of the bar, listened to twelve different arguments, twelve different amendments to scuttle the bill. Sen. Preston, you were here as well as Sen. Brown and some of the others. It's a matter of record of the members that were here that night, what they did back then. I just hope, Mr. President, that in our deliberations that we don't lose sight of the fact of what we did because there is nothing in this current SB 145 that wasn't in the original statute and just because a lawyer, who also happens to be the Chairman of the Republican Party in the State of New Hampshire, has been around and on the floor twisting arms, I hope that none of these other members will change their minds on that basis. I don't believe that they would but I hope that they wouldn't.

SEN. BLAISDELL: At that time we called it the Sen. Bosse relief bill. Could we change it this time to the Sen. Boyer relief bill? Could we change it to that?

SEN. BERGERON: Senator, you know me, I'm very pliable. I would do anything, once we pass the bill I would be more than happy to name it after Sen. Boyer or anyone else in this chamber, or anyone else anywhere for that fact. But seriously, there is nothing in the current bill that was not there in the original statute. The attorneys, and they are the only ones, are opposing this. This is a good provision. The other thing that Sen. Boyer didn't bother to mention to you is that the trials are now open to the public. The cases, the insurance rates, the insurance premiums, the availability and affordability has worsened since that time, but also the statute of limitations does absolutely nothing more than just revert to what you people had in your laws prior to 1969. I don't understand the big hassle. I don't understand the big deal about what we are trying to do here. We are not trying to hurt anyone, we are trying to help them.

SEN. RICE: I rise in support of Sen. Boyer's motion. As a former Representative to the New Hampshire House there is not one bill that I remember as distinctly as I remember

HB 314. At that time I don't think that there was a bill that I worked harder, as a Representative, to defeat than HB 314. I took the floor in the House and spoke against this bill and I rise once again. Sen. Bergeron indicates that the only people that oppose this bill are attorneys, I am not an attorney. I find a lot of just as objectionable material in SB 145 as was in HB 314. I think that the New Hampshire Medical Society has done an outstanding job of setting up their own review and evaluation committee for reviewing proposed malpractice suits. That has decreased or has lowered the amount of increases in malpractice insurance. It has limited the amount of malpractice cases. I find no reason why this bill has got to pass today. I would encourage you to support a motion of interim study.

SEN. PRESTON: I would just like to respond to a couple of comments and then speak to the motion. It is interesting that this motion has bipartisan support. It was eluded that the Republican Chairman Carroll Jones supports this effort and Sen. Boyer is recognized as the Chairman of the Democratic Party. I don't look at this as a lawyer's relief bill. I recollect well the 1977 session. I joined with Sen. Bosse on all of those amendments and when it was recently announced about the unconstitutionality of that bill that we passed it made front page headlines and I sent Sen. Bosse a copy and indicated to him that he should have felt as a prophet at that time because he pointed out very clearly that what we were doing was unconstitutional. The problems that were brought up then with the exception of one very significant case in Portsmouth, New Hampshire, were originating in other parts of the country. This, as Sen. Boyer indicated, does only allow up to a two year period for suit and sets up a type of elitist society that is unavailable to those others of us in business or in private life. I assume the same posture that I did in 1977 in opposing this bill and support the motion to send it to interim study.

SEN. BLAISDELL: Would you tell me what Mr. Jones' occupation is?

SEN. PRESTON: I have no idea and I wouldn't lend any credence to the Chairman of the Republican Party chairmanship. I don't know anything about that party.

SEN. BLAISDELL: Would you believe that he is a lawyer?

SEN. PRESTON: Sen. Blaisdell, as Sen. Boyer said, if you say so then I believe you.

SEN. BERGERON: Sen. Preston, would you believe that I would not argue with your clairvoyance? However, is there anything in SB 145 that a) the Supreme Court did not look at, or b) found unconstitutional?

SEN. PRESTON: No, you are correct Sen. Bergeron but I opposed what is in this bill in 1977 for the very same reasons I oppose it today.

SEN. BOYER: In regard to the Supreme Court's finding, and the Supreme Court never by finding the statute unconstitutional, never in any way condoned any part of the statute. Essentially what it said was that there were so many problems with it and it enumerated some of those problems, that it was going to find the whole thing unconstitutional. If it is any assurance to Sen. Bergeron, I will assure you that the Supreme Court faced with this piece of legislation would find it unconstitutional again. There are at least two if not more objectionable parts of that, to include a two year statute of limitations, to include that physicians will not have to testify if they are subpoenaed and give incriminating evidence as to their performance. You can call it the Boyer relief act if you want. You can call it the attorney's relief act if you want. All I can say is this, it will be the patient who doesn't discover a sponge in their stomach for three years who will suffer. It will be the patient that has to not get any recovery. I have not prosecuted a medical malpractice case. I don't plan on it. I feel like I'm in honored company with the Chairman of the Republican Party if he feels that this is important enough to fight.

SEN. BLAISDELL: Just for the information of the members of the Senate. It's for the record. The court said that it would not enforce the entire chapter because they claimed it could not tell what remaining portions of Chapter 507-C the Legislature wished to leave standing. Again, that is why we are here. I think it's the proper place for it. It is up to you and I to make the decision. It is in this record if you would like to read it. That was the question I was going to ask Sen. Boyer. I like Carroll Jones, by the way. I've never met him but they tell me he is a fine person. I'm sure he is excellent.

Sen. Kelly moved the previous question.
Adopted.

Roll Call requested by Sen. Blaisdell.
Seconded by Sen. Freese.

The following Senators voted yes: Chandler, Wiggins, Monier, Stabile, Boyer, Kelly, Rice, Podles, Stephen, Brown, Champagne, Lessard, Roy, Preston, and Splaine.

The following Senators voted no: Lamontagne, Conley, Freese, Bergeron, Blaisdell, and Sanborn.

15 yeas 6 nays

Adopted, referred to interim study.

Sen. Conley in the Chair.

SB 261-FN, relative to the taxation of money deferred under the public employees deferred compensation plan. Ought to pass. Sen. Bergeron for the committee.

SEN. BERGERON: This bill provides that any money that is deferred under the Public Employees Deferred Compensation Program will not be subject to state taxation. There was no opposition to the bill and as a matter of fact it was our understanding that Commissioner Price was going to issue a general ruling on other deferred compensation programs. I would particular like to pass this because it is just another bill sponsored by Sen. Champagne, and I would just like to help him again.

Adopted. Ordered to third reading.

SB 229, relative to domestic mutual fire or casualty insurance companies not qualified to issue nonassessable policies. Ought to pass. Sen. Blaisdell for the committee.

SEN. BLAISDELL: This bill was introduced by another distinguished member of the Senate, Sen. Rice. It is really a housekeeping bill for the Insurance Department. I think Frank Whaland, the Insurance Commissioner summed it up

well when he said that this proposed legislation will allow the Concord Group to utilize the charter, to provide an extremely worthwhile service in the surplus and excess business in the State of New Hampshire and will allow many of the smaller companies under proper regulatory supervision to expand and to become a real service to their communities and the state. This is under the Insurance Commissioner's jurisdiction and we in the committee said it should pass. We hope you will be with us.

Adopted. Ordered to third reading.

Sen. Champagne wishes to be recorded as not voting on SB 229 under Rule 42.

SB 117, relative to extension of coverage under group health insurance policies. Ought to pass. Sen. Bergeron for the committee.

SEN. BERGERON: This bill which was requested by the Insurance Department requires a provider of group health insurance plans to offer a 39 week extension of coverage at the same group rate to an individual who becomes ineligible for the plan. This would have no cost to the employer but this would be used in the case of a disabled employee or a widow or something on that basis. It would just allow them 39 weeks. It ties in with your federal mandates on some of your coverages. There was no opposition to the bill.

Adopted. Ordered to third reading.

SB 90, authorizing the housing finance agency to purchase loans from lending institutions whether or not secured by a mortgage. Ought to pass with amendment. Sen. Brown for the committee.

SEN. BROWN: SB 90 refers to the housing finance agency. They would like to go into a home improvement program. Under the present law they can only take a first mortgage and this would allow them to take a second mortgage. The amendment states that that is all they can take, they cannot take a third or a fourth or a subsequent one.

SEN. STABILE: Did you say that the housing finance agency was going to be able to go into the second home mortgage business?

SEN. BROWN: On home improvement, small scale home improvement. They will be allowed to take it on a second mortgage, yes.

SEN. STABILE: How much money have they allocated?

SEN. BROWN: It's on \$4,000 to \$15,000 per loan. What the total bond issue will be for it I cannot answer at this time. We don't know ourselves.

SEN. STABILE: It would be a totally separate bond issue?

SEN. BROWN: Yes sir.

Amendment to SB 90

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Definition of Mortgage Amended. Amend RSA 204-B:1, XIII as inserted by 1975, 468:2 by striking out said paragraph and inserting in place thereof the following:

XIII. "Mortgage" means a mortgage deed, deed of trust, or other instrument which shall constitute or create a security interest in tangible personal property constituting housing, or a lien on real property or on a leasehold under a lease having a remaining term, at any time such mortgage is acquired, which does not expire for at least that number of years beyond the maturity date of the obligation secured by such mortgage as is established by the agency as necessary to protect its interest as mortgagee. "Mortgage" shall not include third, fourth or subsequent mortgages.

Amend the bill by inserting after section 1 the following new section:

2 Definition of Mortgage Loan Amended. Amend RSA 204-B:1, XIV as inserted by 1975, 468:2 by striking out said paragraph and inserting in place thereof the following:

XIV. "Mortgage loan" means an interest-bearing obligation secured by a first or second mortgage, but not by a third, fourth or subsequent mortgage.

Amend the bill by renumbering the original sections 2-15 to read as 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 respectively.

Amendment adopted. Ordered to third reading.

SB 153, authorizing the issue of refunding bonds under the municipal finance act. Interim study. Sen. Brown for the committee.

Sen. Brown moved that SB 153 be laid on the table.
Adopted.

SB 166, relative to the state ceiling on the aggregate amount of qualified mortgage bonds issued during a calendar year. Ought to pass. Sen. Brown for the committee.

SEN. BROWN: This is another one that refers to the housing finance agency. It is a request of the bond council. There are numerous states that are authorized to issue this type of a bond under towns, counties, and cities. In the State of New Hampshire the only one authorized to issue this type of bond is the housing finance agency and the bond council wants it in statute to so state.

Adopted. Ordered to third reading.

SB 233, permitting the financing of commercial facilities by the industrial development authority. Ought to pass. Sen. Monier for the committee.

SEN. MONIER: This bill permits the industrial development authority to issue revenue bonds for the financing of commercial facilities located in redevelopment project areas only. There was at one time a portion of the bill which dealt with the electrical generating facilities, hydro, but that was removed from the bill by the sponsor before it was read in. So the bill has nothing to do whatsoever with hydro at this time. The bill defines an eligible facility as including but limited to an industrial facility and a commercial facility in redevelopment projects. This bill is necessary for proposed downtown redevelopment in Nashua and in Manchester, and applies to

other projects across the state as well. It really ties in, I might add, with our bill on revitalizing regions in the state. The IDA as a policy matter does not oppose or support any pending legislation. They have informed me however that the bill needs one or two technical amendments but they would prefer to do that in the House because of the fact that there are several different pieces of legislation proposing to revamp the Industrial Development's authority. They would rather propose the amendments after they see which of the proposed changes their policies are passed by the first legislative bodies. In short, we have two or three that add various things for IDA. I have agreed with them that it ought to be put together and if we pass this to the House it will be taken care of at that particular time. This bill gives our cities and some of our areas that we have asked already for assistance on in our revitalization, to take care of their areas and to stimulate their economy. I urge it's passage.

Adopted. Ordered to third reading.

SB 287-FN, creating the New Hampshire municipal bond bank educational institutions bond financing act. Ought to pass with amendment. Sen. Brown for the committee.

SEN. BROWN: The amendment is nothing more than a transcription of the original bill because when they transcribed the original bill from the bond council's draft somehow they transcribed it wrong, but the amendment has corrected that. This bill was drawn up, as I just stated, by Palmer and Dodge, the bond Counsel of Pinkerton Academy. What the bill does is it creates a new chapter in RSAs, namely 195-e. It is enabling legislation and will cost the state nothing but will help the citizens. The purpose of the legislation is to enable educational institutions below college level to raise funds. It is similar to the existing RSA 195-d which allows hospitals and educational institutions of college level and above to raise funds through a similar process. The reason being the people voted to have a new Vo-Tech school at Pinkerton Academy in Derry. They have five sending towns that go to Derry. It is a private school. It's curriculum is governed by the State Board of Education. It is kept financially by contracts with the towns through the cost of tuition which

includes also the buildings. This will enable them to raise this money through the issue of these bonds to decrease the cost of the taxpayers of the sending towns. The State Treasurer who is the Chairman of the Bond Council did not testify either for or against the bill but he stated that the bond bank was able to do it and there would be no problem if the Legislature approved it.

Amendment to SB 287-FN

Amend RSA 195-E:6, III as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

III. The bank shall not at any time issue bonds, secured in whole or in part by a reserve fund, if upon the issuance of such bonds, the amount in such reserve fund will be less than the reserve fund requirement for such fund, unless the bank at the time of issuance of such bonds shall deposit in such fund from the proceeds of the bonds issued, or from other sources, an amount which, together with the amount then in such fund, will not be less than the reserve fund requirement for such fund. The bank may at any time issue its bonds or notes for the purpose of providing any amount necessary to increase the amount in the reserve fund to the required debt service reserve, or to meet such higher or additional reserve as may be fixed by the bank with respect to such fund. In computing the amount of the required debt service reserve, investments held as a part thereof shall be valued in the manner provided in the bond resolution.

Amend RSA 195-E:7, RSA 195-E:8, RSA 195-E:9, RSA 195-E:10 and RSA 195-E:11 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

195-E:7 Educational Institution General Fund.

I. The bank shall establish and maintain a fund called the "educational institution general fund" which shall consist of and in which there shall be deposited (1) fees received or charges made by the bank for use of its services or facilities under this chapter; (2) any moneys which the bank shall transfer thereto from the reserve fund pursuant to RSA

195-E:6, II; (3) moneys received by the bank as payments of principal of or interest on educational institution bonds purchased by the bank, or received as proceeds of sale of any educational institution bonds or investment obligations of the bank, or received as proceeds of sale of bonds or notes of the bank, and required under the terms of any resolution of the bank or contract with the holders of its bonds or notes to be deposited therein; (4) any moneys required under the terms of any resolution of the bank or contract with the holders of its bonds or notes to be deposited therein; and (5) any moneys transferred thereto from any other fund or made available for the purpose of the fund or for the operating expenses of the bank. Any such moneys in the educational institution general fund may, subject to any contracts between the bank and its bondholders or noteholders, be transferred to the educational institution reserve fund to pay principal of or interest on bonds or notes of the bank when the same shall become due and payable, whether at maturity or upon redemption including payment of any premium upon redemption prior to maturity, and any moneys in the educational institution general fund may be used for the purchase of education institution bonds and for all other purposes of the bank including payment of its operating expenses.

II. No amount shall be paid or expended out of the educational institution general fund or from any account therein (which account the bank may establish therein for the purpose of payment of its operating expenses) for operating expenses of the bank relative to the purchase, holding and sale of educational institution bonds in any year in excess of the amount provided for the operating expenses of the educational institution division of the bank by the annual budget then in effect with respect to such year or any amendment thereof in effect at the time of such payment or expenditure for operating expenses relative to this chapter.

III. The bank may at any time use any available moneys in the educational institution general fund for the purchase of its bonds or notes or for the redemption thereof, and any such bonds purchased for retirement shall be thereupon cancelled.

IV. The bank is hereby authorized and empowered to create and establish in the educational institution general fund such accounts, subaccounts or special accounts which

in the opinion of the bank are necessary, desirable or convenient for the purposes of the bank under this chapter.

195-E:8 Additional Accounts. The bank may establish such additional and further reserves or such other funds or accounts as may be, in its discretion, necessary, desirable or convenient to further the accomplishment of the purposes of the bank delineated under this chapter or to comply with the provisions of any agreement made by or any resolution of the bank.

195-E:9 Agreement by State. The state does pledge to and agree with the holders of the bonds or notes issued pursuant to authority contained in this chapter that the state will not limit or restrict the rights hereby vested in the bank to purchase, acquire, hold, sell or dispose of educational institution bonds or other investments or to make loans to educational institutions or to establish and collect such fees or other charges as may be convenient or necessary to produce sufficient revenues to meet the expenses of operation of the bank, and to fulfill the term of any agreements made with the holders of its bonds or notes authorized by this chapter or in any way impair the rights or remedies of the holders of such bonds or notes until the bonds and notes, together with interest thereon, and interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceedings by or on behalf of such holders are fully met, paid and discharged.

195-E:10 Legal Investments. To the extent that other securities of an educational institution are legal investments under state law, the state and all public officers, and agencies thereof, all banks, trust companies, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, and other persons carrying on a banking business, all insurance companies, insurance associations and other persons carrying on an insurance business, and all executors, administrators, guardians, trustees and other fiduciaries, may legally invest any sinking funds, moneys or other funds belonging to them or within their control in any bonds or notes issued pursuant to this chapter, and such bonds or notes shall be authorized security for any and all public deposits.

195-E:11 Exemption from Taxes, Levy and Sale.

I. All property of the educational institution division of the bank is hereby declared to be public property devoted

to an essential public and governmental function and purpose and shall be exempt from all taxes and special assessments of the state or any subdivision thereof. All bonds or notes issued pursuant to this chapter are hereby declared to be issued by a body corporate and public of this state and for an essential public and governmental purpose and such bonds and notes, and the interest thereon and the income therefrom, and all fees, charges, funds, revenues, income and other moneys pledged or available to pay or secure the payment of such bonds or notes, or interest thereon, shall at all times be exempt from taxation except for transfer, inheritance and estate taxes.

II. All property of the educational institution division of the bank shall be exempt from levy and sale by virtue of an execution and no execution or other judicial process shall issue against the same nor shall any judgment against the bank be a charge or lien upon its property; provided, that nothing herein contained shall apply to or limit the rights of the holder of any bonds or notes to pursue any remedy for the enforcement of any pledge or lien given by the bank on its revenues or other moneys.

Amendment adopted. Ordered to third reading.

SB 124, relative to the rights of a shareholder. Inexpedient to legislate. Sen. Champagne for the committee.

SEN. CHAMPAGNE: This bill as far as we can tell is geared to extract and take care of one man's problems. It amends the corporate statutes of the state which are already being amended by the House. I'm not sure that this individual's problems are taken care of in the new chapter that is coming from the House and if it isn't we will take a look at it at that time. That is the reason for the inexpedient to legislate.

Adopted.

SB 282-FN, relative to the transfer of prison guards at county jails and houses of correction from Group I to Group II of the New Hampshire retirement system. Ought to pass with amendment. With recommendation that this be sent to Senate Finance. Sen. Champagne for the committee.

SEN. CHAMPAGNE: It is baffling to me that this bill was sent to Senate Judiciary to begin with. What it does is to attempt to move prison guards from Group 1 of the pension plan to Group 2. There is a substantial investment involved both on the part of local government and state government. We have amended the bill so that it will not apply to any past service of any Group 1 employee and we are referring the bill to Finance and request the support of that recommendation.

Amendment to SB 282-FN

Amend the bill by striking out all after section 1 and insert-in place thereof the following:

2 Application. The provisions of section 1 of this act shall apply to all persons who become full time jailers, head jailors, or superintendents of county jails or houses of correction on or after January 1, 1982.

3 Effective Date. This act shall take effect January 1, 1981.

Adopted. Referred to Finance.

SB 275-FN, relative to procedures for defendants alleged to be incompetent or who plead not guilty by reason of insanity. Interim study. Sen. Champagne for the committee.

SEN. CHAMPAGNE: This bill was sponsored by yours truly and it addresses a frustrating problem that a lot of courts are having, namely, that a lot of defendants are appearing before local judges. Local judges would like to get treatment for some of these people and under the current law they cannot send them for treatment because the only place they could send them would be the State Hospital and they are forbidden by statute to send them to the State Hospital for treatment. The bill is being referred to interim study with the possibility or the hope that something well be done to take care of this problem. That's the reason for the recommendation. I request your support.

Adopted.

SB 259-FN, relative to guardianship proceedings. Ought to pass. Sen. Boyer for the committee.

SEN. BOYER: This bill eliminates the requirement for a biennial hearing for each guardianship. A ward may seek alteration or termination of a guardianship at any time and a hearing may be requested by an attorney appointed by a court to review the guardian's annual report or annual account rather than making it mandatory. We had testimony from the Registrar of Probate of Hillsborough County and other testimony indicating that this would be a lot easier and a lot less expensive for guardians. It came out of committee as ought to pass unanimously.

Adopted. Ordered to third reading.

SB 256-FN, establishing service charges for certain collections made through the board of probation. Ought to pass. Sen. Champagne for the committee.

SEN. CHAMPAGNE: The bill establishes surcharges from payors, that's those people making payments to probation. In view of the current budget crunch these payments have got to be collected and the Director of Probation submitted this bill as a possible solution to some of his personnel problems. We recommend passage.

Adopted. Ordered to third reading.

SB 255-FN, relative to service charges on support payments collected by the board of probation. Ought to pass with amendment. Sen. Champagne for the committee.

SEN. CHAMPAGNE: My comments on the previous bill apply to this one. These are charges made on items collected by the probation department. This does not cover the same kind of collection that the previous bill did but to some of the other items that they collect. We again recommend passage.

Amendment to SB 255-FN

Amend RSA 504:16-a, I as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

I. Probation department officers shall collect an annual service charge from all persons ordered to make support payments through the board. The amount of the service charge shall be determined according to either one of the following formulas, depending on whether the payments are to be made on a monthly or weekly basis, provided in each case that the minimum service charge shall be \$12.

(a) One percent of the product of the amount of the weekly payment multiplied by 52; or

(b) One percent of the product of the amount of the monthly payment multiplied by 12.

Amend RSA 504:16-a as inserted by section 1 of the bill by inserting after paragraph VI the following new paragraph:

VII. Any federal law or regulation shall take precedence over any provision of this section with which it conflicts.

Amendment adopted. Ordered to third reading.

SB 70-FN, to establish a fund from DWI fines to be used for the education and rehabilitation of offenders. Inexpedient to legislate. Sen. Champagne for the committee.

SEN. CHAMPAGNE: This particular problem with alcohol abuse is being addressed in at least two major pieces of legislation in the House. One has to do with insurance proceeds for such individuals and one has to do with a surcharge on liquor. Both of these bills and SB 70 attempt the same and that's the reason for inexpedient to legislate on SB 70-FN.

Adopted.

SB 247, setting a flexible judgment interest rate and requiring interest on damage awards to be computed from the date of the injury. Ought to pass with amendment. Sen. Champagne for the committee.

SEN. CHAMPAGNE: This bill came in amending interest rates on judgments to a flexible rate, also changing the interest rate running from a date of injury rather than from the date of the writ. Many people came in and testified against this, namely insurance companies and others. What we have tried to do is to come up with a compromise. We have taken the flexible interest rate out. We have taken out the provision that says the interest rate starts from the date of the injury and we kept the rule as it is today, namely, the date of the writ. I think we have agreement from everyone that 10% is equitable. As I say, I think, it is my understanding, I was led to believe that all the opposition is withdrawn but you never know and that is what the amendment does. It merely changes the interest rate from 6% to 10% and eliminates all of the other provisions of the original bill.

Amendment to SB 247

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

setting the judgment interest
rate at 10 percent.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Interest Rate. Amend RSA 336:1 by striking out said section and inserting in place thereof the following:

336:1 Rate of Interest. The annual rate of interest on judgments and in all business transactions in which interest is paid or secured, unless otherwise agreed upon in writing, shall equal 10 percent.

336:2 Time of Effective Rate.

I. The rate paid on judgments shall be the rate in effect at the time the verdict is rendered or a finding for pecuniary damages is made, as certified by the clerk of court.

II. The rate paid in business transactions shall be the rate in effect at the time the agreement for the business transaction is made.

2 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted. Ordered to third reading.

SB 214, to establish a penalty for the violation of laws relative to mobile home parks. Ought to pass. Sen. Boyer for the committee.

SEN. BOYER: This bill would establish a penalty for the violations of laws relative to mobile home parks commonly known as the mobile home owner's bill of rights in RSA 205-a. Originally there was a penalty provision which was repealed, I believe, in 1977 and that penalty provision provided for a \$1,000 fine for each day of violation of that act. This would provide for a \$250 fine for each day of violation of the act. It came out of committee ought to pass.

SEN. LAMONTAGNE: Could you tell me if this has anything to do with some of these parks that are privately owned?

SEN. BOYER: Yes it would. It would regulate those privately owned parks.

SEN. LAMONTAGNE: So then do I understand you correctly that even though in these parks the streets have not been inspected by the city or town that there is to be a penalty for a violation of the parking law?

SEN. BOYER: No. The fine would go to violations of the mobile home act itself. It is spelled out in that act what the mobile home park owner can do and can not do and it mainly relates to rules that the mobile home park owner adopts and also publication of those rules. I don't think there is anything that relates to parking specifically unless the mobile home park owner has certain prohibitions on parking.

SEN. LAMONTAGNE: Does this mean that anyone who violates by leaving their cars on the streets or doing other motor vehicle violations in the park that they are going to be fined?

SEN. BOYER: No.

Sen. Sanborn moved that SB 214 be laid on the table.
Adopted.

SB 212, making a minor's contempt of any court order relating to a child in need of services an act of delinquency. Inexpedient to legislate. Sen. Lessard for the committee.

SEN. LESSARD: SB 212 would have some rather unfortunate ramifications in that there would be so many juveniles going to the Youth Development Center that they couldn't possibly handle them all. We had testimony in another related bill which said that right now there is a sort of bumping procedure at the YDC where they are limited by executive order to only so many residents of that facility and they may not be done with the corrections that they were trying to make or the treatment they were trying to put across before they have to bump someone just because the courts order another individual in. There is another bill, SB 211, which will deal with the problem and Sen. Champagne is going to offer that in a few minutes. We are going to offer fines rather than imprisonment at the YDC. The committee report is inexpedient to legislate.

Adopted.

SB 211, permitting fines on children in need of services who have committed certain offenses. Ought to pass with amendment. Sen. Champagne for the committee.

SEN. CHAMPAGNE: This bill attempts to address the problem that Sen. Lessard was just alluding to. Some of the local courts are having problems with children in need of supervision. These are kids who have committed violations, as many violations as they have wanted to commit. There is just nothing at this point to authorize anybody to do anything with these kids even if they keep committing violations. This is an attempt to at least give the court the authority to do something, namely, assess a fine or order restitution. The original bill addressed only the fine issue, the amendment also provides for the court ordering restitution if it sees fit. The committee recommends ought to pass.

Amendment to SB 211

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

Permitting fines and restitution for children in need of services who have committed certain offenses.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Addition of Fines and Restitution to Dispositions. Amend RSA 169-D:17, I by inserting after subparagraph (b) the following new subparagraphs:

(c) Imposing a fine or restitution, or both, on a child who has committed an offense which, if committed by an adult, would be a violation under the criminal code of this state; or has committed an offense which, if committed by a person 16 years of age or older, would be a violation under the motor vehicle code of this state; or has violated an ordinance or bylaw of a city or town. Such fine shall not exceed the fine which may be imposed against an adult for the same offense.

2 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted. Ordered to third reading.

SB 210, requiring a juvenile charged with committing certain offenses within 12 month after having been found to have committed any of these offenses to be charged as a delinquent. Inexpedient to legislate. Sen. Lessard for the committee.

SEN. LESSARD: Once again this is similar to bill 214, the same problems are underlying here. It would deal with so many children that the YDC couldn't possibly handle them all. These are offenses that if they had been committed by adults certainly would not have the same ramifications as if the bill were carried out. If a juvenile was a habitual offender of violations they then could be declared delinquent

and sent to the YDC. The bill 211 we think handles the problem nicely with fines and restitution. We ask you to go along with the committee's inexpedient to legislate report.

Adopted.

SB 193, to establish the duties of domestic relations officers. To interim study. Sen. Champagne for the committee.

SEN. CHAMPAGNE: The Probation Department is the only one that I know of or the committee knows of that actually writes its job descriptions in statutes. The Probation Department testified they already had domestic relations officers and want to put a detailed description of their position in the statutes. It is beyond me that we have to have job descriptions in statutes. It is the recommendation on this bill to refer it to interim study committee and hopefully remove all the job descriptions from the statutes. If we put job descriptions in the statutes we don't need the Department of Personnel.

Adopted.

SB 231, relative to recording certain probate information in the registry of deeds and notifying selectmen and assessors. To interim study. Sen. Boyer for the committee.

SEN. BOYER: This bill would have required the Registrar of Probates to file and record with the Registrar of Deeds a description of the decedents real estate holdings in the county, in addition to the name and date of death of the decedent. There is only one witness who testified on behalf of the bill and the witness was not able to answer all the questions regarding what the effect would be on the Registrar of Probate and whether there would be additional costs as to the county involved. With this limited information it was felt best that we send it to interim study.

Adopted.

SB 274-FN, relative to the salary of the deputy clerk of the Nashua district court. Ought to pass. Sen. Champagne for the committee.

SEN. CHAMPAGNE: The deputy clerk of the Nashua district court actually got a pay decrease and the 1979 session of the Legislature voted to give him a pay increase. That is the only reason for this bill. It's my understanding that there is a study commission with a bill coming through suggesting that personnel practices for the court system be completely streamlined. If that bill passes we are not going to need this bill for much longer. In case it doesn't the committee recommendation is ought to pass.

Adopted. Ordered to third reading.

SB 283-FN, revising the percentage of certain fines and forfeitures used in funding the district court. Inexpedient to legislate. Sen. Champagne for the committee.

SEN. CHAMPAGNE: Right now local communities get to keep 20% of their fines to support the court house. This bill would move the 20% to 80% which would be great for the towns, not so great for the people who are getting the 60% now. It wouldn't be getting into this bill. This situation is also being reviewed by the court study committee and the bill is coming through the House and needless to say recommends inexpedient to legislate.

Adopted.

SB 87, relative to rental security deposits. Ought to pass with amendment. Sen. Wiggins for the committee.

SEN. WIGGINS: This bill reduces the number of units required for exemption of owner occupied buildings from 15 to 5. It also increases the interest on security deposits payable to the tenants from 4% to 5%. It also declares that the actual interest earned on mingled security deposits less 1% for record keeping shall be paid to each tenant proportionately at the current money market rate. It is a bill that would help not only the tenant it would also help the landlord. The amendment removes the section requiring record keeping for every single tenant to be posted by the landlord. We recommend passage.

Amendment to SB 87

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Interest on Security Deposits. Amend RSA 477:48, V (supp) as inserted by 1977, 551:1 by striking out said paragraph and inserting in place thereof the following:

V. (a) A landlord who holds a security deposit for a period of one year or longer shall pay to the tenant interest on such deposit at a minimum rate of 5 percent per year commencing from the date of receipt of the deposit or from the effective date of this section, whichever is later. Such interest shall be compounded at least annually. If a landlord mingles security deposits in a single account under subparagraph III(b) of this section, the landlord shall pay the current money market rate, less one percent for record keeping, to each tenant.

(b) Within 30 days of the end of the first year of tenancy, and within 30 days of the end of each year thereafter, the landlord shall pay accrued interest to the tenant.

Amendment adopted. Ordered to third reading.

Sen. Monier in the Chair.

SB 170, providing a salary grade increase for Laconia State School employees authorized to administer medication. Ought to pass. Sen. Roy for the committee.

Adopted. Referred to Finance.

SB 237, relative to adoption records. To interim study. Sen. Roy for the committee.

some very interesting interplay, if you will, between a natural parent, an adult adoptee, an adoptive parent, and the Division of Welfare. We would like to be able to study this bill because we would like to see what the court now is permitting relative to the release of adoption records. The committee unanimously recommends that it should be sent to interim study and hopes you concur.

Adopted, referred to interim study.

SB 180, relative to truck weights. Inexpedient to legislate. Sen. Rice for the committee.

SEN. RICE: This bill was introduced as an act relative to truck weights, that is really a misnomer. The bill really concerns itself with the length of trucks and not the weight of trucks. The bill obviously initially needed to be amended. The bill as it is written we would lose all federal money, federal highway money if this bill was enacted. We contacted the Department of Public Works and Highways and tried to see if there was a way to amend the bill. There is no way to amend the bill and therefore it was reported out inexpedient to legislate.

SEN. LAMONTAGNE: I would like to say that the request that was made was justified because the problem that Sen. Lessard introduced the bill for was that the truck at the present time cannot haul the full weight of 80,000 lbs. It has nothing to do with increasing over the 80,000. The idea is that they cannot haul the payload. This truck is a dump truck and therefore on a 5 axle truck and the dump box cannot go up to the cab because if they did then he wouldn't even be able to haul the amount of load he is now hauling, which is less than 80,000 lbs. After going over this with Jack Flanders and Sen. Rice and myself, we tried to find a way to see if we could make this change because it is a safety matter. At the present time when the truck dumps its load he has an overhang and when the body goes up it is possible that it could twist and then cause the truck to tip over when it is dumping. There is no way it could be arranged because if we allowed this truck to shorten up the 5 axle in length then it would mean that he would have to haul less weight than he is hauling at the present time and at the same time we would lose federal funds. That's the reason we had to report it inexpedient to legislate. There was no way that we could help the poor guy who we were hoping we could have helped.

Adopted.

SB 305, providing for the bonding of motor vehicle brokers. Inexpedient to legislate. Sen. Rice for the committee.

SEN. RICE: SB 305 was an attempt to bond motor vehicle brokers. Currently all motor vehicle dealers, major dealerships within the state of New Hampshire, are bonded. The problem with this bill is that allegedly the bonding brokers would have protected individuals from buying a car through a broker that may have been stolen. Further investigation with the Department of Safety indicates that in the last five years, which is as long as they maintain those records, that there has not been any stolen vehicle sold by brokers to customers. Furthermore, although bonding in and by itself is relatively inexpensive, the financial statements and supporting documents that are necessary in order to become bonded, many small-time brokers that are subsidizing their income or doing it on a part-time basis would be unable to demonstrate that kind of financial statement that is necessary for bonding. Therefore passage of this bill would put many small brokers out of business. There has been no demonstrated need that they should go out of business and it was therefore recommended inexpedient to legislate.

Adopted.

RECONSIDERATION

Sen. Boyer moved reconsideration on SB 145.

Motion failed.

COMMITTEE REPORTS

SB 293, relative to the definition of moped. Ought to pass. Sen. Rice for the committee.

SEN. RICE: Currently, among other things concerning mopeds, mopeds under existing legislation must have two pedals. They also must have horsepower not exceeding 50 cubic inches. This bill would modify the definition of moped to include those smaller vehicles that meet all criteria except they do not have pedals. The committee heard testimony on this. There was no opposition to it. The Department of Safety indicates that many of these vehicles are not currently classified as mopeds and may in fact be safer than those that

are already classified as mopeds. We therefore recommend that this bill ought to pass.

Adopted. Ordered to third reading.

INTRODUCTION OF RESOLUTION

Sen. Chandler moved adoption of the following resolution.

SEN. CHANDLER: When the Ways and Means Committee took executive action on SB 39, which is the next bill to come up, we also voted to question the Supreme Court on the constitutionality of the interest and dividends law that is on the books now. This bill was a bill to repeal it. We are recommending that this bill be referred to interim study, but before we do that we wanted to address a question to the court on the constitutionality of the present law. That is what Senate Resolution 7 is.

Senate Resolution No. 7

requesting an opinion of the justices
on the constitutionality of
Senate Bill 39-FN

Whereas, there is pending before the senate Senate Bill 39-FN, an act to repeal the interest and dividends tax; and

Whereas, said bill provides for the repeal of chapter 77 of the Revised Statutes Annotated relative to the taxation of incomes; and

Whereas, questions have arisen as to the constitutionality of the law which the proposed act is designed to repeal; now, therefore, be it

Resolved by the Senate:

That the Justices of the Supreme Court be respectfully requested to give their opinion upon the following questions:

1 Does the supreme legislative power vested in the senate and the house of representatives pursuant to part 2, article 2d. of the constitution of New Hampshire include the power to tax the income of individuals, partnerships, associations, trusts, and fiduciaries?

2 If the senate and the house of representatives may constitutionally tax income, are the classes of income which are taxed under RSA 77 valid classifications for purposes of taxation pursuant to part 2, articles 5th. and 6th. of the constitution of New Hampshire.

Be it Further Resolved that the clerk of the Senate transmit 7 copies of this resolution and 7 copies of Senate Bill 39-FN to the Justices of the Supreme Court.

Adopted.

SB 39-FN, to repeal the interest and dividends tax. Interim study. Sen. Chandler for the committee.

SEN. CHANDLER: This is the bill that we recommend being sent to the interim study. That is the bill that we are going to ask the Supreme Court for a rule on the constitutionality on the present law. So this is recommended to go to interim study.

Adopted.

SB 96-FN, requiring legislative approval of applications for federal funds. Ought to pass. Sen. Chandler for the committee.

SEN. CHANDLER: This is a bill that was heard and unanimously voted ought to pass. It gives the Legislature a handle and some control on the approval of federal funds that the State is requesting. As it is now if every state agency or commissions that have been appointed in some other way that the Legislature doesn't have control over it, can apply for federal funds. If they get the federal funds we have some control at appropriating the money. We have no control at the present time over whether or not we want to even ask for them. We think the Legislature, the House and Senate, should have some review and some check on the process.

SEN. PRESTON: I am going to vote against the motion as it stands, ought to pass. This bill is similar to one that was vetoed in the last session, as far as I can recall. It totally hampers the executive branch from accepting particular funds and it just appears ludicrous to me that it could be written in such a manner.

SEN. BLAISDELL: I rise in support of the motion by Sen. Chandler. We had quite a debate in the Senate Ways and Means Committee on this particular piece of legislation. It was mostly the department heads that came in to speak against it. We did not have any input from the executive branch of government. I am going to be consistent with this, when former Governor Thomson came before us on this particular piece of legislation I was consistent then and I'm going to be consistent now. I think the Legislature should have some input. I ask you to support the bill.

SEN. SANBORN: Sen. Blaisdell, we have sat on Finance the past years together and has it been true that we have suddenly found in the finances of the state in trying to work out an operating budget that, lo and behold, some department of the state has got federal funds, established positions, and now they want the state to finance either in full or in part that position that was done under federal funds?

SEN. BLAISDELL: I agree with you, Senator. That's the reason I'm going to be consistent on this bill, how I voted four years ago and the way I'm going to vote today.

SEN. SPLAINE: I too am opposed to the passage of SB 96. I agree with input from the Legislative side on most of what finances we deal with with the executive branch, but gee, this kind of legislation is going to bring in a lot of politics. It involves the President of the Senate and the Speaker of the House considerably in the way that the procedure is set up. We are going to see the Executive branch and the Legislative branch battle on just about every concept of accepting or rejecting federal monies. With the budgetary situation that we have today I would think that we in state government should be seeking out every bit of dollar that we can from any federal program that might be at least halfway realistic and doesn't mandate and hamstring the state. By doing this, we are just discouraging any executive department to even try to get some federal funds because if they do they are going to end up in a fight between either the House or the Senate when they do it and I don't think that that is the way to run a government.

SEN. SANBORN: You are now sitting on Finance, don't you believe that when we are working on the operating budget we should know what is being done above and beyond what we appropriate?

SEN. SPLAINE: I think we would know. I don't differ with you in your approach in wanting to have input but I think that input is a lot different than literally giving veto power in the hands of the Legislative branch. Why get into that kind of entanglement with the Legislative branch? Do we have to do it at every corner?

SEN. SANBORN: The only thing that we have between sessions, correct me if I'm wrong, is the Fiscal Committee made up of members of the Senate Finance and the House Appropriations, who basically try to deal with many of these anyway. Is it not true that we have found a couple of cases already where employees have been hired and put into positions before the actual receipt of the funds?

SEN. SPLAINE: Those things can happen. I don't deny that those things can happen. On those items I certainly would have wished that the Legislative branch had known about it beforehand and might have been able to express some displeasure. But we are not talking about just a couple of items, we are talking about all of the items, under SB 96, that the Legislative branch is going to have veto power over. I don't think that that is right. We are talking about a lot of paper work also.

SEN. SANBORN: Don't you believe that the Legislature is supposed to be the watchdogs of the funds of the State of New Hampshire relative to the budget?

SEN. SPLAINE: We are talking about federal funds. We are talking about an Executive branch which is headed up by a man or woman who is sitting there by mandate of the public, whomever it may be. So I think that both of us have responsibilities, separate, distinct responsibilities. Yes.

SEN. SANBORN: Does not the Executive branch have the right to use the operating budget but no more than that?

SEN. SPLAINE: They are empowered to come in, they are obligated to come in and present to us an operating budget and then to use it.

SEN. SANBORN: What we give them.

SEN. SPLAINE: What we approve, yes.

SEN. SANBORN: Then why shouldn't we approve any federal funds that come in too? Why do you call it a veto power when we just want to see what is coming in and what it is being used for?

SEN. SPLAINE: But that's not all. That's not all that SB 96 says. Not only are we seeing, we see that now. We have to approve it before we can get it. And we are hamstringing all the departments within state government by saying come to us first. And it is giving the President of the Senate and the Speaker of the House, in this case in SB 96, a heck of a lot of power, which I suppose some people would like to grasp.

SEN. BERGERON: Would it be proper to ask the Chairman of the committee a question? Sen. Blaisdell, just hearing some of the things that are going on I'm just curious because I attended that hearing and could you tell me who testified for or who went in and opposed it? I'm hearing all kinds of rumors and I don't recall certain things being talked about as having happened.

SEN. BLAISDELL: I'll be very happy to tell you Senator. That's why I'm kind of confused myself because I was at the same hearing you were at. No question that Ned Helms, and the Department of Health and Welfare came in and opposed the bill, that was one. The only other one that spoke other than the sponsors was Joe Quinn from DRED. He took no position on the bill whatsoever. As I said, the sponsors, Sen. Monier, and I believe Sen. Sanborn, spoke to the bill. That was all. There was no other testimony. I just don't know where the rumor comes from that a lot of people spoke on this bill. I certainly heard no testimony other than what was in this folder. You are welcome to look at it, any one in the Senate.

Adopted. Ordered to third reading.

SUSPENSION OF RULES

Sen. Brown moved that the Rules of the Senate be so far suspended as to allow a committee report on SB 105-FN with only one days notice of hearing in the calendar.

Adopted.

SB 105-FN, increasing the sheriffs' travel and per diem fees. Inexpedient to legislate. Sen. Blaisdell for the committee.

Sen. Blaisdell moved Recommittal on SB 105-FN.
Adopted.

SB 203, to promote the development of the domestic wine industry in New Hampshire. Ought to pass with amendment. Sen. Freese for the committee.

Amendment to SB 203

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after RSA 178-A the following new chapter:

CHAPTER 178-B DOMESTIC WINE INDUSTRY

178-B:1 Definitions. In this chapter:

I. "Domestic wine" means any wine containing over 6 percent alcohol by volume and not over 24 percent by alcohol by volume which is manufactured or bottled in this state from grapes or other fruits grown in this state, or brought into the state in their natural state for the purpose of fermentation and blending with wine produced from New Hampshire grapes or fruits, or wine which is brought into this state by a manufacturer to be blended with wine produced from New Hampshire grapes or fruits by a winery located in this state.

II. "Manufacturer" means any winery located in this state, whose production capacity is not in excess of 50,000 wine gallons per year, which ferments grapes or fruits, or blends and bottles wines purchased in bulk and brought into the state for bottling, and which holds a manufacturer's license issued by the state liquor commission.

178-B:2 License. The manufacture of domestic wines in this state shall be permitted under rules adopted by the commission under RSA 541-A, and under such terms as are not inconsistent with the provisions of the constitution of the United States, or the statutes of the United States, but no domestic wine manufactured in this state by any manufac-

turer shall be sold or delivered in this state in any manner which is inconsistent with the provisions of this chapter.

178-B:3 Fee. Notwithstanding the provisions of RSA 178-A:9, each manufacturer of domestic wines shall pay an annual license fee of \$750 for the manufacture, sale and distribution of domestic wines within or without the state. This fee shall be in lieu of all other fees imposed by this title, except as provided in RSA 178-B:5, IV.

178-B:4 Products. The commission, wherever feasible, shall purchase and list for sale in all state stores the domestic wines manufactured or bottled in this state by a manufacturer. Said products shall be prominently listed in retail price list published by the commission and shall be listed with other products of the same type. The commission shall comply with the provisions as required in RSA 176:10-b.

178-B:5 Sales.

I. Notwithstanding the provisions of RSA 178-A, each manufacturer shall have the right to sell and to transport and deliver domestic wines manufactured by it directly to the holders of on-sale or off-sale licenses issued by the commission.

II. Each manufacturer shall have the right to sell at retail or wholesale at its winery for off-premises consumption any of its domestic wines. Visitors at said premises may be provided with reasonable samples of wine for tasting.

III. Each manufacturer shall maintain records and prepare reports for the commission which shall indicate the sales made under this section.

IV. Each manufacturer shall pay to the commission on a monthly basis an amount equal to 5 percent of its gross sales of domestic wine sold directly to other licensees, and retail sales at its winery, which payment shall be paid to the commission on or before the tenth day of the following month.

V. Retail sales on manufacturer's premises for products listed by the commission shall not be less than those prices in effect at state stores, and for wholesale to licensees at the same prices which the commission sells to them.

VI. Each manufacturer shall have the right to transport domestic wines manufactured by it to the state border for transportation and sale outside the state.

VII. Each manufacturer shall have the right to hire such sales representatives as it desires, and shall have the right to solicit sales of its domestic wines directly to other licensees.

178-B:6 Advertising. Notwithstanding the provisions of RSA 175:10, each manufacturer shall have the right to advertise and promote the sale of its domestic wine through the medium of newspapers, magazines, periodicals, television, and radio broadcasting, sports films, travelogs and other commercially acceptable promotional means and methods.

2 Repeal. The following are hereby repealed:

I. RSA 178:2-a, relative to limited winery sales license.

II. RSA 178:2-b, relative to the definition of table wine.

III. RSA 178:2-c, relative to regulation of sales.

IV. RSA 178:2-d, relative to payments to the commission.

3 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted. Ordered to third reading.

SB 252-FN, to permit the establishment of a system for the sale of pari-mutuel pools by telephone. Interim study. Sen. Freese for the committee.

Adopted.

SB 269-FN, increasing certain motor vehicle registration fees. Ought to pass. Sen. Blaisdell for the committee.

Adopted. Referred to Finance.

SB 270-FN, making certain revisions and adjustments in motor vehicle fees. Ought to pass. Sen. Bergeron for the committee.

Adopted. Ordered to third reading.

SB 273-FN, permitting municipalities to reject state mandates if adequate state funding is not supplied. Ought to pass. Sen. Blaisdell for the committee.

Adopted. Ordered to third reading.

HOUSE MESSAGE

House Asks Concurrence with House Amendment

The House, acting under Joint Rule 16, has recalled HB 80, authorizing the executive director with the consent of the commission to control the seasons, methods of taking, sex limitations and other conditions relative to wild deer, from the Governor and passed the bill with the following amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Honorable Senate.

Senator Wiggins for the committee.

Senator Wiggins moved Concurrence.

Adopted.

Sen. Bergeron moved that SB 82 be removed from the table.

Adopted.

SB 82, permitting the broadcast of public notices on radio and television.

Sen. Bergeron moved that the words "ought to pass" be substituted for the committee report of "interim study."

SEN. BERGERON: The reason that I asked yesterday that this bill be tabled was as I'm told my own fault that it came out of committee the way it did because I was negligent and derelict. But there seems to be some confusion. Hopefully today we have resolved the questions. This is simply enabling legislation. What it does is it permits a state or other public official to cause to be broadcast any notice or summary or description of a notice required by law to be published. The broadcast is in addition to and not in place of the previous notice of publication. This goes right back to local home rule. The public official in the community would determine the times and frequency of the broadcast. There is also a stipulation in here that the broadcasting company must keep notice, a copy of the transcript, on record for a minimum of six months. This is nothing more than an opportunity to allow your local communities who are required by law to buy public notice advertising in newspapers for such hearings as tax sales, elections, and many other issues, to do a combination or to select which media would attract the greatest number of people. In New Hampshire we have a great number

of people who are in rural areas and hopefully with this additional means more people would become aware of the hearing notices. I ask the Senate's support in the passage of SB 82.

SEN. CHANDLER: On page 2, 191-b,3 what is meant by "in the broadcast of any notice no reference shall be made to the name of any person who is a candidate for elective public office at the time of the broadcast." What does that mean?

SEN. BERGERON: It limits free publicity.

SEN. CHANDLER: Suppose the notice was a legal notice concerning somebody who happens to be running for something but the notice had nothing to do with his candidacy. Does that mean his name couldn't be mentioned in a legal notice?

SEN. BERGERON: No, that's not my understanding of it. You are talking if the man is the taxman and his name is used. No, that's not the intent of that.

Adopted. Ordered to third reading.

Sen. Brown moved the following resolution:

Sen. Brown: I move that the Senate adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills ordered to third reading be read a third time by this resolution, and that all titles be the same as adopted, and that they be passed at the present time; and that when we adjourn, we adjourn until Thursday, April 23, 1981 at 12:00 noon.

Adopted.

LATE SESSION

Sen. Rice spoke under Rule 44.

SEN. RICE: For those of you who may not have seen it, there is an article in today's Concord Monitor on the hospital cuts that are questioned. I would like to bring to the attention of the Senate, having visited the New Hampshire State Hospital yesterday meeting with individuals who are on the staff there, that last Friday the National Institute of Mental

Health completed their annual survey of the Hospital. Their findings by and large indicated that the Hospital was in compliance with the exception of the number of full-time psychiatrists that were on staff, that falls way below the standard. They have put the New Hampshire Hospital on notice that if that situation is not corrected within 60 to 90 days when a follow-up survey will commence, then the New Hampshire State Hospital is in serious jeopardy of losing all Medicaid and Medicare reimbursements. I feel that Medicaid and Medicare reimbursements are critical to the Hospital's ability to provide the quality of care necessary to treat the citizens of this State.

ANNOUNCEMENTS

Third Reading and Final Passage

SB 224, relative to mortgages on manufactured housing.

SB 100, making a capital appropriation to the youth development center.

HB 50-FN, to provide an emergency appropriation for the Supreme Court operating budget and for the state library.

SJR 2, relative to retirement credit for Margaret M. Upson.

SB 253-FN, providing cost of living increases to teachers retired prior to 1957.

SB 268-FN, relative to retaining a percentage of money due contractors on state contracts.

SB 297, to establish a commission to study the ramifications of the state's assumption of FICA obligations for state employees.

SB 242, relative to certain fire insurance contracts.

SB 199, relative to simplification of language in life and health insurance policies.

SB 172, relative to the cancellation of certain insurance policies.

SB 301, requiring standard notice requirements for reductions in coverage in all fire, liability, and motor vehicle liability insurance policies.

SB 281-FN, permitting the financing of outdoor recreational facilities by the industrial development authority and expanding the definition of industrial facility to include waste conversion facilities.

SB 261-FN, relative to the taxation of money deferred under the public employees deferred compensation plan.

SB 229, relative to domestic mutual fire or casualty insurance companies not qualified to issue nonassessable policies.

SB 117, relative to extension of coverage under group health insurance policies.

SB 90, authorizing the housing finance agency to purchase loans from lending institutions whether or not secured by a mortgage.

SB 166, relative to the state ceiling on the aggregate amount of qualified mortgage bonds issued during a calendar year.

SB 233, permitting the financing of commercial facilities by the industrial development authority.

SB 287-FN, creating the New Hampshire municipal bond bank educational institutions bond financing act.

SB 259-FN, relative to guardianship proceedings.

SB 256-FN, establishing service charges for certain collections made through the board of probation.

SB 255-FN, relative to service charges on support payments collected by the board of probation.

SB 247, setting the judgment interest rate at 10 percent.

SB 211, permitting fines and restitution for children in need of services who have committed certain offenses.

SB 274-FN, relative to the salary of the deputy clerk of the Nashua district court.

SB 87, relative to rental security deposits.

SB 293, relative to the definition of moped.

SB 96-FN, requiring legislative approval of applications for federal funds.

SB 203, to promote the development of the domestic wine industry in New Hampshire.

SB 270-FN, making certain revisions and adjustments in motor vehicle fees.

SB 273-FN, permitting municipalities to reject state mandates if adequate state funding is not supplied.

SB 82, permitting the broadcast of public notices on radio and television.

Adopted.

Sen. Freese moved the senate adjourn at 4:50 p.m.

Thursday, April 23, 1981

The Senate met at 12:00 p.m.

A quorum was present.

The prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Lord, often times You must feel that we are ignoring your loving and understanding guidance. When actually our need is so acute in this Chamber. Open our eyes and hearts, that we may overcome that, which causes upheaval and disturbs our better selves. "Ask and Ye shall receive;" There of!

Permeate the Light of Thy Spirit among us during this heavy legislative load.

We ask this in Thy name!

We also pray for the repose of the soul of Thy servant, Superior Court Judge Wayne Mullavey of New Castle, New Hampshire. May he rest in peace.

Amen

Senator Stephen led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

Sen. Preston made the following announcement.

Superior Court Judge Wayne Mullavey, a resident of Piscataqua St., New Castle died. Judge Mullavey was named to the Superior Court by then Governor Walter Peterson in 1971. Before donning judicial robes, he had practiced in all fields of law, including criminal, tort and probate. He has also been active in YMCA work, formerly heading the Camp Lincoln fund drive. He had also been involved in Red Cross and other organizations.

A longtime Exeter resident, he practiced law there for many years before his appointment to the bench. He also formerly lived in Kensington.

Judge Mullavey was graduated from the University of N.H. in 1947 and from Boston University Law School in 1949. He passed the N.H. bar that same year.

ENROLLED BILLS AMENDMENT

HB 80, authorizing the executive director with the consent of the commission to control the seasons, methods of taking, sex limitations and other conditions relative to wild deer. Ought to pass with amendment. Senator Lamontagne for the committee.

SEN. LAMONTAGNE: This amendment corrects the chapter number of HB 59 which is being repealed, as its substance has been incorporated into this bill.

Enrolled Bill Amendment to HB 80

Amend section 8 of the bill by striking out line 6 and inserting in place thereof the following:

III. 1981, 56 relative to the penalty for the selling of deer or

Amendment adopted.

ENROLLED BILLS REPORT

HB 325, an act relative to premium finance companies.

HB 1, an act requiring complete fiscal responsibility in the decommissioning of nuclear electric generating facilities by operating utilities.

HB 7, an act relative to liability insurance coverage requirements for operators of passenger tramways.

HB 52, an act establishing an interstate commission on the lateral marine boundary between New Hampshire and Maine and the gauge laws.

HB 56, an act modifying the crime of being in the presence of a controlled drug.

HB 61, an act relative to the reporting of bear killed.

HB 189, an act relative to sunset review of the liquor commission — regulation.

HB 291, an act relative to the Benjamin Thompson trust fund.

HB 318, an act relative to the amount of insurance which need be carried on mortgaged property.

HB 327, an act to regulate the distribution, labeling and sale of agricultural liming materials.

HB 345, an act relative to oil spillage in public waters.

SB 31, an act allowing the housing finance agency to employ a corporate trustee located within or outside of the state.

HB 493, an act relative to insurance premium taxes and the establishment of an administrative fund in the insurance department.

Sen. Lamontagne for the committee.

COMMITTEE REPORTS

SB 291, establishing an interim committee to study controls for off highway recreational vehicles and making an appropriation therefor. Ought to pass. Sen. Wiggins for the committee.

SEN. WIGGINS: We had a hearing on this. The last time the off-highway vehicle was studied was in 1972 and we need to look into some of the laws pertaining to them and the enforcement laws and we need some changes so we recommended that we have this study committee do the job and report back to us.

Adopted. Referred to Finance.

SB 64-FN, relative to sunset review of the standardbred breeders and owners development agency. Ought to pass. Sen. Wiggins for the committee.

SEN. WIGGINS: We went through the bill. The standard-breeders create a lot of commerce in New Hampshire, about \$30 to \$40 million worth of commerce in New Hampshire. It is just getting started and we recommend that this bill go to Finance because it needs an amendment, and be passed.

Adopted. Referred to Finance.

SB 257-FN, authorizing lifetime fish and game licenses. Ought to pass with amendment. Sen. Wiggins for the committee.

SEN. WIGGINS: We studied this bill. We worked through it with an actuary report. It shows that it would have a long

time benefit to the Fish and Game Department. It is a new concept and it really should be tried because the overall outlook for it would be excellent. We recommend passage with the amendment.

Amendment to SB 257

Amend RSA 214:9-c as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

214:9-c Lifetime Licenses.

I. The executive director, at the department of fish and game headquarters only, shall issue lifetime resident combination hunting and fishing licenses similar to that issued on an annual basis under RSA 214:9, III to any resident applicant upon payment of the proper fee, which shall be established by the executive director in accordance with the provisions of paragraph II.

II. The executive director shall obtain an actuarial table based on a 5 percent annuity from the commissioner of insurance and shall set the fee for the various licenses annually on July 15th of each year for the following year based on the age of the applicant. In addition the applicant shall pay the agent's fee in accordance with RSA 214:15, I.

III. Any license issued pursuant to this section shall be valid as long as the holder of same remains a resident of this state in accordance with RSA 207:1, XXIII. In no case shall any lifetime license issued be transferable or any portion of the cost of the license refundable.

IV. Notwithstanding any other provision of law, the monies received from the sale of such lifetime licenses shall be deposited with the state treasurer who shall keep the same in a separate fund to be known as the prepaid fish and game license fund. The state treasurer shall invest the monies in said fund and shall annually transfer to the fish and game fund from the prepaid fish and game license fund an amount equal to the number of lifetime licenses sold in prior years, reduced each year by 3.5 percent for mortality, times the present cost of an annual license and any interest that accrues to the prepaid fish and game license fund in excess of 5 percent.

V. In addition, the state treasurer shall pay the amount of one annual license fee to the fish and game fund from the proceeds of each lifetime license sold during the current year. The balance going into the prepaid fish and game license fund.

VI. Licenses issued pursuant to this section shall entitle the holder thereof to the same privileges and subject him to the same restrictions as a holder of an annual license.

Amendment adopted. Ordered to third reading.

SB 272-FN, concerning property tax exemptions for property equipped with alternative energy sources. Ought to pass. Sen. Wiggins for the committee.

SEN. WIGGINS: I do not know. All I know is that at the cities and towns the privilege to vote on whether they would give additional property tax exemption to new methods of energy. We recommend passage. All the testimony was for it and none against it.

SEN. LAMONTAGNE: I wonder if you could tell me how come Sen. Rice's name is on this committee. This is my bill.

SEN. WIGGINS: I do not know. All I know is that the first hearing no one testified. They asked for a rehearing and at the rehearing we had testimony. The testimony showed that it was a good bill and we passed it. I don't care who is on the bill but it is a good bill and we passed it.

SEN. LAMONTAGNE: Just one more question. I just want to clear my mind on this. Is this the same bill that was scheduled to appear Friday and then there was a misunderstanding and then I got to you and you took care of these people?

SEN. WIGGINS: That's right, sir.

SEN. RICE: Would you believe that I have no objection to the distinguished Senator from District 1 also co-sponsoring this bill?

SEN. WIGGINS: I believe it, sir.

Adopted. Ordered to third reading.

SB 160, relative to the election of planning board members and other town officers. Ought to pass. Sen. Wiggins for the committee.

SEN. WIGGINS: We had a hearing on this bill and all testimony was in favor of it and we recommend passage.

Adopted. Ordered to third reading.

SB 306, relative to cruelty to animals. Inexpedient to legislate. Sen. Wiggins for the committee.

SEN. WIGGINS: We had a hearing on this bill and a lot of people appeared in favor of it but there were two sections in it where it involved a third party and we were a little apprehensive about the problems it would cause so we made it inexpedient to legislate.

Adopted.

SB 178, concerning the certificate of rabies vaccination. Ought to pass with amendment. Sen. Wiggins for the committee.

SEN. WIGGINS: All this bill does is give them ten days to get a verification of a rabies vaccination on their animals. It was a little longer time on that and we amended it and this bill will stop them from going to the vet if a dog has bitten somebody and saying innoculate my dog. It might save quite a few dogs instead of killing them and checking out their brains so we figured it was a good bill and recommend passage with amendment.

Amendment to SB 178

Amend the title by striking out same and inserting in place thereof the following:

AN ACT

relative to the rabies
vaccination requirement.

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Rabies Vaccination. Amend RSA 442-A by inserting after section 2 the following new section:

442-A:2-a Owner's statement.

I. Before vaccinating any dog for rabies, the veterinarian shall receive the following statement completed by the dog's owner in his presence on the same day; I, ...(owner's name), swear that to my knowledge this dog has not bitten anyone within 10 days. The veterinarian shall retain the statement in his files until the dog's next vaccination.

II. Any owner who submits a false statement shall be guilty of a misdemeanor.

Amendment adopted. Ordered to third reading.

SB 279-FN, relative to zoning of manufactured housing. Ought to pass with amendment. Sen. Wiggins for the committee.

SEN. WIGGINS: We had a hearing on this bill and there was a tremendous amount of people in favor of it. We recommend passage of the bill with the amendment because some of the towns do not have any area for trailer homes or trailer parks. We amended out the section 3 and recommend passage of the bill as amended.

SEN. PRESTON: I support this with the amendment. It conveys very clearly the message that manufactured homes represent a lot of different things. There are standard homes as we know them, they also include mobile homes. I think we are addressing the message of some affordable housing, but our amendment at the same time does not mandate anything would disrupt the planning efforts of local communities, it just conveys a very strong message that we want them to allow this type of housing in certain areas of the community.

SEN. SANBORN: Sen. Preston, if a town, and I know of a couple in my district that do this, has a requirement that they cannot have a mobile home unless there are ten other houses constructed, does this do anything to that?

SEN. PRESTON: I will defer to Sen. Wiggins.

SEN. WIGGINS: Yes, this bill says that they can have a mobile home on a single plot. It doesn't require ten units.

SEN. SANBORN: It doesn't require ten other units to be constructed in the town somewhere before you can allow a mobile home?

SEN. WIGGINS: That's right.

Amendment to SB 279-FN

Amend RSA 31:119 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

31:119 Exclusion of Manufactured Housing. A municipality shall not exclude manufactured housing completely from the municipality, by regulation, zoning ordinance or by any other police power. A municipality which adopts land use control measures may allow, in its sole discretion, manufactured housing to be located on individual lots in some, but not necessarily all, residential areas within the municipality, or in mobile home parks and subdivisions created for the placement of mobile homes on individually owned lots, or in all 3 types of locations. Manufactured housing located on individual lots shall comply with lot size, frontage requirements, space limitation and other reasonable controls that conventional single family housing in the same area must meet.

Amend RSA 31:120 as inserted by section 2 of the bill by striking out same.

Amendment adopted. Ordered to third reading.

SB 133-FN, granting additional law enforcement powers to the director of the division of safety services, department of safety, and his representatives. Inexpedient to legislate. Sen. Wiggins for the committee.

SEN. WIGGINS: We have HB 64 that we are going to combine SB 133 with and bring it in front of you very shortly. Therefore we will combine the best features of both bills. We will make this bill inexpedient to legislate with the approval of the sponsor.

Adopted.

SB 45-FN, to establish a committee to study the Route 12 by-pass proposal in Keene. Interim Study. Sen. Sanborn for the committee.

Adopted.

SEN. SANBORN: This bill was to make a study of a proposed change in Route 12 and it wasn't actually clear about how this thing was going to be set up. If I remember correctly, at the request of the sponsor this was going to go to interim study until we have more information.

SB 137, relative to the penalty for an habitual offender who drives without a license. Inexpedient to legislate. Sen. Lamontagne for the committee.

SEN. LAMONTAGNE: This is covered by other legislation.

Adopted.

SB 162-FN, requiring the employment of state police officers on certain road construction sites. Interim Study. Sen. Lamontagne for the committee.

SEN. LAMONTAGNE: The reason this has been sent to interim study is because there was information that was supposed to have been given to us by the State Police and that information did not come. I had requested such information and it was felt that we didn't have the necessary information and so we decided to send it to interim study.

SEN. BROWN: It is obvious that I am the sponsor of this bill. I will go along with the committee and won't try to change the report because I do recognize the fact that there are some things that are unresolved here. The intent here is very good and I think it creates more safety on the highways and I think you have expertise in case of problems and I think that is the underlying factor and it should come. We have had some deaths because we have had inexperienced people out there. I think this bill will resolve it. But as I said before I agree with the committee that if passed now there could be some problems with it and I am willing to send it to interim study and to get those problems resolved.

SEN. LAMONTAGNE: I left out the most important part of the report. There was another reason in that the State Police were to use state cars and uniforms when policing private construction instead of the women they now use on the roads policing the traffic. That was another reason why they thought it ought to be studied because using the uniform on private enterprises, we got conflicting reports and the State of New Hampshire had to pay the expense and \$1.25 wouldn't have been enough and we didn't have time enough to be able to review this.

Adopted, referred to Interim Study.

SB 168, relative to the transfer of a motor vehicle owned by husband and wife after the death of one spouse. Ought to pass with amendment. Sen. Lamontagne for the committee.

SEN. LAMONTAGNE: This is something that has been going on in titles and been creating quite a problem for many of the people, especially if a husband and wife have their names on a title. One would die and then the wife would try to sell the car and it made is almost impossible to, it was necessary to go to the courts. The way this bill is being presented to you and this has the okay from the Director of Titles, Mr. Smith, also Earl Sweeney who has gone over this amendment. What it would do now is that if a person died, whether it is the husband or wife, the only they have to do is furnish a death certificate and then either one of them can sign the present title and can sell the car by just issuing a death certificate to the Title Bureau.

Amendment to SB 168

Amend the bill by striking out sections 1 and 2 and inserting in place thereof the following:

1 Transfer After Death of Spouse. Amend RSA 269-A:17-a as inserted by 1970, 28:2 by striking out said section and inserting in place thereof the following:

269-A:17-a Joint Tenancy With Rights of Survivorship. Upon the death of a married resident owner of a motor vehicle registered in this state, said motor vehicle, if used for family

purposes, shall be deemed to have been jointly held property with right of survivorship unless otherwise designated on the certificate title, and the interest of said decedent shall pass to his or her surviving spouse.

I. Where a certificate of title has been issued on said vehicle, the surviving spouse may transfer the vehicle pursuant to RSA 269-A:15 without obtaining a new certificate of title. The signature of the surviving spouse on the certificate and a copy of the death certificate shall be deemed valid and sufficient for the proper transfer of the motor vehicle.

II. Where no certificate of title has been issued on said vehicle and where such transfer requires the issuance of a certificate of title, a first certificate of title shall be immediately issued to said spouse upon the following conditions; application shall be made to the department including information required by RSA 261:4, I(a) and (b), accompanied by

(a) A copy of the death certificate; and

(b) The required fee.

III. Individuals who are joint resident owners and desire to provide for survivorship may obtain title as joint tenants with rights to survivorship by designating this preference on their title application. Upon the death of one of the owners, the surviving owner may transfer the vehicle pursuant to RSA 269-A:15 without obtaining a new title. The signature of the surviving owner on the certificate and a copy of the death certificate shall be deemed valid and sufficient for the proper transfer of said motor vehicle.

2 Transfer After Death of Spouse (Recodified). Amend RSA 261:17 as amended by striking out said section and inserting in place thereof the following:

261:17 Joint Tenancy With Rights of Survivorship. Upon the death of a married resident owner of a motor vehicle registered in this state, said motor vehicle, if used for family purposes, shall be deemed to have been jointly held property with right of survivorship unless otherwise designated on the certificate of title, and the interest of said decedent shall pass to his or her surviving spouse.

I. Where a certificate of title has been issued on said vehicle the surviving spouse may transfer the vehicle pursuant to RSA 261:14 without obtaining a new certificate of title. The signature of the surviving spouse on the certificate and a copy of

the death certificate shall be deemed valid and sufficient for the proper transfer of the motor vehicle.

II. Where no certificate of title has been issued on said vehicle and where such transfer requires the issuance of a certificate of title, a first certificate of title shall be immediately issued to said spouse upon the following conditions; application shall be made to the department including information required by RSA 261:4, I(a) and (b), accompanied by

(a) A copy of the death certificate; and

(b) The required fee.

III. Individuals who are joint resident owners and desire to provide for survivorship may obtain title as joint tenants with rights of survivorship by designating this preference on their title application. Upon the death of one of the owners, the surviving owner may transfer the vehicle pursuant to RSA 269-A:15 without obtaining a new title. The signature of the surviving owner on the certificate and a copy of the death certificate shall be deemed valid and sufficient for the proper transfer of said motor vehicle.

Amendment adopted. Ordered to third reading.

SB 267, lowering the minimum penalty for unlawful operation of a motor vehicle by an habitual offender. Inexpedient to legislate. Sen. Lamontagne for the committee.

SEN. LAMONTAGNE: This is another bill that is covered by other legislation. The sponsor asked to withdraw the bill.

Adopted.

SB 28-FN, establishing special license plates for county commissioners. Split report — Ought to pass; Inexpedient to legislate. Sen. Lamontagne, Sen. Sanborn for ought to pass. Sen. Rice and Sen. Mann for inexpedient to legislate.

Sen. Lamontagne moved ought to pass.

SEN. LAMONTAGNE: We had many county commissioners appear before the Transportation Committee in favor of having county plates. Some of the commissioners felt that if the county commissioner plates were put on that then if they

went into a crowd they wouldn't have a problem of trying to get to wherever it was happening in their county. They felt that if they had a commissioner's plate that they would be able to be recognized without having any problems. Sen. Sanborn and myself are in favor of the bill. Sen. Mann and Sen. Rice are in opposition to the bill. But we feel that since the county commissioners do want these plates that they should have them and we recommend ought to pass.

SEN. PRESTON: I understand this particular bill. In February there was an executive session held by the committee and the motion made which three members of the committee were present for and it was voted inexpedient to legislate. I also understand that one member of that committee Sen. Lamontagne asked them to hold it in committee for a period of time. Again they wanted to vote it out inexpedient to legislate and in the interim, Sen. Sanborn as vice-chairman, and a motion was made ought to pass. Sen. Rice was not then present. I am very concerned. I would like to just address it, Mr. President and have your response. If in the absence of a chairman who has been excused by the President on a business trip, that we are going to fly in the face of what I consider the official committee report, I say to you that we are establishing a very dangerous precedent because in the past in the absence of any Senator we never took up anything controversial. It concerns me, the manner and method in which this particular bill is being handled. The minutes of the committee meeting so indicate that an inexpedient was a majority coming out of that committee, not a minority report as reported.

SEN. MONIER: I think that my response to you would be that 1) the Chair is not going to interfere with the committee and how it is run, 2) that regardless of what the issue would be coming out of there it is not before the full Senate, these same motions could be made. The Senate does not have rules for the committee, they are established by the committee chairman and therefore I feel that while your inquiry is proper and will put it on the record of the circumstances which can be rebutted by any other member of the committee that wishes to or not, the Chair would still rule that the committee report as it is presented here would have very little effect one way or the other because both of these motions are before the full Senate. That would be my ruling.

SEN. PRESTON: If the committee chairman had made the motion and taken executive action on a matter, it just concerns me that the vice-chairman is then appointed in the late Sen. Poulsen's place and takes action that supercedes the decision made previously by the chairman. I must repeat to you that by agreement, Senator, and it has occurred to me and it has occurred to you in your absence, we did not take up any bills in that absence. I think we could establish an atmosphere of distrust here. People have talked to the chairman of that committee and he is very upset that his actions are being overridden.

SEN. MONIER: The answer from the Chair, however, Sen. Preston, would still be the same. You are not going to involve the Chair in committee policy. There are four members of them here. My response would be that I would rule otherwise only if, only if, those actions were not brought before the full Senate where the Senate could have this opportunity. What I would point out for the record since we have made a statement about this is that since the full Senate is here any motion is a proper order and therefore any such alleged activities, as you have pointed out for the record, would automatically be corrected. Therefore I do not think that this is a parliamentary matter. I repeat from the Chair so that the chairmen are not confused by this, the committee rules are established by the chairman and the committee. Whatever goes on within that committee can be discussed by the committee members on this floor. I think perhaps it would have been more proper to continue this by having the committee members state their feelings about this if they so desire. There is no injustice being done in this Senate on this bill. It is brought in and all these motions are available and any member of the Senate twenty-three members may make motions to do something else with it. Therefore there is no injustice involved in it and the Chair's ruling stands.

SEN. LAMONTAGNE: Believe me that if we hadn't been in the interchange of bills and the bill didn't have to be on the floor today as the last day, that definitely I would never have tried to make any moves at all of trying to bring in a committee report in the absence of the chairman. But there was absolutely nothing else that could be done. To Sen. Preston let me say this, it is true what you said that there was a vote that was taken on the commissioners' plates and the vote

was two to one. But you have to bear in mind that the report had not been submitted and therefore the Secretary of the Transportation absolutely did not report it back to put it in the Journal. So therefore the commissioners' plates was pending in a committee and therefore the report had to come out and the orders were given to the secretary yesterday. I'm going to tell you right now, in no way because of the absence of the chairman, did I take advantage of this. Whether it was inexpedient or whether there was a divided report ought to pass with two members voting, and at the same time two members voted inexpedient, I still think that you have probably have seen what the President of the Senate has ruled, it is up the Senators to vote either ought to pass or inexpedient. That is up to you. But personally I don't want anyone to think that I have tried to railroad this through the committee in the absence of the chairman. In no way did I do that. I certainly would never do it.

SEN. PRESTON: I know that in the past you have respected Senator courtesy, but is it not true that you did request of the chairman and another member of the committee that it not be brought out at this time and that now that the chairman is not here it is being brought out very suddenly?

SEN. LAMONTAGNE: Let me say this, I had in no way anything to do with Sen. Sanborn's taking Sen. Poulsen's place. It is Sen. Sanborn who talked with the President of the Senate and I knew nothing about it until a I received a letter from the President stating that Sen. Sanborn was replacing Sen. Poulsen as vice-chairman of the Transportation Committee. I knew nothing about it. At the time we acted Sen. Sanborn was a member of the committee.

SEN. PODLES: Could you tell me if under this bill, will the county commissioners be permitted to go through the tolls?

SEN. LAMONTAGNE: This was brought up at the committee and it has no intention at all of being permitted to go through the tolls. It is only to recognition at times of work when a commissioner has to be at a certain place and especially if there is a lot of cars and the officers will not let the commissioners through because their registrations is only a honorary registration and there is no way of them being able to know that they are commissioners.

SEN. BLAISDELL: Senator, you said that there were a lot of county commissioners who testified on the bill. Could you tell me who they are please?

SEN. LAMONTAGNE: Well, we didn't have any from the North Country, they were all from the southern part of the state.

SEN. BLAISDELL: Is there a record of who was there?

SEN. LAMONTAGNE: Yes, although I don't know them by name but I'm sure Sen. Rice knows and I would be glad to yield to him.

SEN. BLAISDELL: Sen. Rice, would you tell me please?

SEN. RICE: I don't have a copy of the minutes right here before me but if my memory serves me correctly all three county commissioners from Rockingham County testified in favor of it. One commissioner from Rockingham on behalf of the County Commissioner testified in favor of it. There was one commissioner from Belknap County that testified that they already had special county plates.

SEN. BLAISDELL: Did the Department of Safety come in and testify on this?

SEN. RICE: They did not.

SEN. BLAISDELL: Is there any additional costs? Has anybody decided who is going to pay for these plates?

SEN. RICE: On the back of the bill, SB 28-FN, you will please note a fiscal impact study. I find it hard to believe the study but we did follow up on that and the study indicates an initial \$1300 for fiscal 1982 and each year thereafter. There would be other costs of implementing it of \$3,000 direct cost, and \$6,700 in indirect costs just in fiscal year 1982.

SEN. BLAISDELL: Was there some county commissioners who used to be legislators and used to have legislative plates, were they there?

SEN. RICE: There was one county commissioner from Rockingham County that made it very clear that she was no longer a legislator but was now a county commissioner and no longer had legislative plates.

SEN. CHAMPAGNE: Sen. Lamontagne, who is going to pay for this fiscal impact, the state or the counties?

SEN. LAMONTAGNE: Well, as far as I'm concerned, it is not going to be the state. Why not ask the sponsor of the bill, Sen. Sanborn, he will tell you.

SEN. SANBORN: No the state will not be paying that. If I am not mistaken you can take a look in there and it says that the commissioners will pay for it themselves. However, anybody who believes that impact statement, that means roughly \$1000 a plate and I don't think, Senator, that you pay \$1000 for your special plate because I know damn well I don't. What I am saying is Commissioner Flynn told me, he says the way the questions were put to him for the fiscal impact statement, he had to answer in this way and he agreed firmly that it wouldn't cost any more than the Senators or Representatives plates.

SEN. CHAMPAGNE: If there is a fiscal impact, is the county going to pay for it?

SEN. SANBORN: The commissioners will pay for their plates themselves. And this they agreed to.

SEN. CHAMPAGNE: If there is a fiscal impact at all, do we pass it on to the county?

SEN. SANBORN: Yes, onto the commissioners themselves.

SEN. CHAMPAGNE: The entire fiscal impact?

SEN. SANBORN: Yes.

SEN. SANBORN: I sponsored this bill at the request of the county commissioners of Rockingham County. There are times and I believe that Commissioner Driscoll brought it out very loudly at the hearing and in case most of the Senators don't realize it he is a handicapped person. He is Chairman of the Board and comes from the city of Portsmouth. He has found it very difficult at times to get through police places and where police are holding roadblocks and so forth, and also getting a proper parking place in some places when he is on official business in places where he isn't readily recognized. All the commissioners made that same statement. This is the only thing it is for, is just to readily identify the commissioners to any of the towns or cities which they represent. We must recognize one other thing, the county commissioner is highest elected officer of the county. They are in charge of the county business. They have to go all over the county. We now give plates at their own expense or the counties expense to sheriff's and deputy sheriffs, why not recognize that the county commissioners are over them and have a responsibility of the county for the citizens within that county and should be recognized as such.

SEN. SPLAINE: The impact statement on the reverse of the bill indicates that the direct cost and the indirect cost may exceed \$6,000. This is for the adjusting and reprogramming of the computerized cash registers to deal with the kind of change that we are talking about. If this is going to be more specifically for the county and if the problem tends to be within the county, with proper parking for some of the county commissioners, and since the county commissioners are the top ranking elected official of their county governments, are there not some other techniques, such as decals on their own cars, which they as counties can institute at the county convention which is made up of House members, agrees that this may be a problem in Rockingham County or any of the counties throughout the state?

SEN. SANBORN: As I answered Sen. Champagne, right now there are at least nine new Senators in this Chamber, elected this last time. Do you think that by that fiscal impact statement that each of their new plates for the nine new Senators cost that much?

SEN. SPLAINE: It is already programmed that way. I'm not asking specifics. It is already programmed the way that 424 people will be getting plates. This would be adding an entirely new element. I would assume that that is certainly part of the reason for the impact statement. But in addition to that my question pertains to, aren't there other alternatives? You mentioned, or someone mentioned that three people from Rockingham County and a couple of other commissioners had attended the hearing. If in a particular county it looks like there may be a problem, cannot the county itself institute it's own decal system if the number one reason for special plates is to allow for going through police blockades or to work out special parking privileges for a commissioner?

SEN. SANBORN: Sen. Splaine you are completely in error relative to the computer. If you will take a look at your license, the one you carry in your pocket, that is not printed and it is not known who is going to be Senator two years from now unless you are reelected. You will note on your license that it has your regular license plate and then Senator 24. They don't do that until they have your regular license in hand. That is where the computer comes into it, the computer does not print the plate, the State Prison does.

SEN. SPLAINE: So that it is clear that I am not making this up. I have in front of me SB 28-FN, sponsored by Sen. Sanborn. May I ask you if this is what is included as the fiscal note on the back of that bill: "The Department of Safety estimates that this bill would cost the state \$1,300 in fiscal 1982 and each year thereafter. As a result of on-going data processing costs Safety further predicts nonreoccurring administrative and data processing expenditures will generate \$3,000 in direct costs and \$6,700 in indirect costs in fiscal 1982. Additionally Safety projects the loss of eleven man-days by Safety personnel and twenty-five man-days by the CDP personnel due to the necessary reprogramming of the NCR 270 computerized cash registers. This procedure as estimated by the Department of Safety differs from the present method of issuance of Safety license plates to elected and other officials of the state." Is that not the fiscal note contained on the back of your bill, SB 28-FN?

SEN. SANBORN: That is correct Sen. Splaine and I explained that to Sen. Champagne. And we explained it several times on preceeding bills on this floor, that the fiscal notes are so much in error we wonder if they are any good at all.

SEN. SPLAINE: Is there not another alternative that a particular county could adopt, such as issuing decals, so that there will be absolutely no cost on the part of the state, whether or not the LBA office is correct or the Department of Safety is correct in projecting the fiscal note?

SEN. SANBORN: Certainly, Senator, it can be done and don't forget, at the same time we can eliminate the House and the Senate plates and put them on with decals. It would be much cheaper to make a decal.

Sen. Rice moved that the words "indefinitely postponed" be substituted for the words "ought to pass".

SEN. RICE: Between questions and answers a lot of this has already been discussed. There are a couple of things that I would like to further state. In the testimony Belknap County at a minimal cost to the county and at no cost to the state has already created their own special license plates for county commissioners. Sen. Lamontagne indicated that the county commissioners had a difficult time getting to fires because they did not have special plates. I would submit the volun-

teer firemen have no trouble getting to that same fire and they do not have special plates. As a matter of fact all they have is just a little thing that goes around the outside of their licenses that says volunteer fire department. There is no law right now that prohibits county commissioners from any county from having a little enclosure for the license plates that says county commissioner. There is no law that prohibits them from having decals, emblems, that they can mount over their license plate or on the windshield. There is no law right now that would prohibit them from designing their own license plate such as has been done in Belknap County. If this law is valid so the county commissioners, and the rationale is that they are the head of county government, can have these plates then I think that you are opening the door for extending the law even further and giving it to mayors of cities. And if you give it to mayors of cities why not give it to aldermen, councilmen, or town selectmen, after all the town selectmen are the head of their communities in that unit of government. There was no substantial information given by any person that appeared before that committee that in any way could be used to justify passage of SB 28-FN.

Adopted.

SB 105-FN, increasing sheriffs' travel and per diem fees. Ought to pass. Sen. Lamontagne for the committee.

SEN. LAMONTAGNE: This is the bill that was recommitteed back to committee and somehow there was a misunderstanding what the purpose of this bill was. It was understood that the sheriffs were going to be receiving the additional expense for traveling but that is not the way it was supposed to be. What it really is and what is before you today is that if this increase is approved by the Senate the money will go to the county and not to the sheriffs.

Adopted. Ordered to third reading.

SB 3, reapportioning the New Hampshire congressional districts. Ought to pass. Sen. Brown for the committee.

SEN. BROWN: SB 3 is the reapportionment bill for the two congressional districts. We had the hearing yesterday and there was no representation from the two Congressmen but we understand through telephone conversations that both the people of the state and the Congressmen are agreeable with what we have in the bill in the redistricting of the congressional districts. We took Windham and Atkinson from District 1 and put them in District 2. There are no complaints and everyone seems to be happy, both Congressman D'Amours and Congressman Gregg.

SEN. CHANDLER: Do you happen to know how much more population we need in New Hampshire before we would have a third congressman?

SEN. BROWN: I'm sorry, I do not. I cannot answer you, that was not brought up at all.

SEN. MONIER: Somewhere around 120,000 more people.

Adopted. Ordered to third reading.

SB 1, reapportioning the state senate districts. Ought to pass with amendment. Sen. Brown for the committee.

SEN. BROWN: SB 1 is the redistricting of the Senate districts. The amendment is an appropriation of \$1,000 for a computer service to help us. It will be referred to Finance although Finance will not work it. The Reapportionment Committee will work on it. There will be ample hearings and so forth.

Amendment to SB 1

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

reapportioning the state senate
districts and making an appropriation therefor.

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Appropriation. There is hereby appropriated to the New Hampshire state senate for the fiscal year ending June 30, 1981, for the purposes of this act the sum of \$1,000 to be expended as specified by the president of the senate. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated. The sum hereby appropriated shall not lapse and shall be available for expenditure until June 30, 1983.

4 Effective Date. Section 3 of this act shall take effect upon its passage. Sections 1 and 2 of this act shall take effect January 1, 1982.

Amendment adopted. Referred to Finance.

SB 2, reapportioning the executive council districts. Ought to pass with amendment. Sen. Brown for the committee.

SEN. BROWN: This is the same thing only for executive council districts. The amendment is \$1,000 for the same purposes. There will be hearings and so forth.

Amendment to SB 2

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

reapportioning the executive
council districts and making
an appropriation therefor.

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Appropriation. There is hereby appropriated to the New Hampshire state senate for the fiscal year ending June 30, 1981, for the purposes of this act the sum of \$1,000 to be expended as specified by the president of the senate. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated. The sum hereby

appropriated shall not lapse and shall be available for expenditure until June 30, 1983.

4 Effective Date. Section 3 of this act shall take effect upon its passage. Sections 1 and 2 of this act shall take effect January 1, 1982.

Amendment adopted. Referred to Finance.

Sen. Bergeron in the Chair.

RESOLUTION

Sen. Monier moved the following resolution:

Senate Resolution

WHEREAS a resolution is the means whereby the Senate of the State of New Hampshire recognizes individuals who have made significant contributions in response to duty's call, and

WHEREAS some thirty-five thousand New Hampshire citizens served their country for the cause of freedom in Vietnam, and

WHEREAS disabling injuries in the line of duty were received by almost four thousand of these dedicated service men and women, and

WHEREAS the ultimate sacrifice to duty and country was made by six hundred and fifty stalwart and patriotic citizens of this great state, and

WHEREAS the Congress of the United States has recommended and the President has designated the 26th of April, 1981, as Vietnam Veterans' Day to honor these valiant citizens, now therefore

BE IT RESOLVED that the Senate of the State of New Hampshire does hereby give special thanks to the citizen patriots who served their country in Vietnam and does hereby honor their distinctive and brave actions by supporting wholeheartedly Vietnam Veterans' Recognition Day.

Adopted.

SB 179, relative to degree granting power. Ought to pass with amendment. Sen. Lessard for the committee.

SEN. LESSARD: The bill that is before you was sponsored by myself and Rep. Boucher, the Chairman of the Education Committee. Currently the House and the Senate occupies a lot of time with bills which are performer in nature which extend the degree granting authority to post-secondary institutions in our state. These bills are drafted at a cost of about \$500 apiece and this year there were twelve so you can tell that we have spent \$6,000 and a great deal of time on legislation that is really unnecessary. The formula is that the Post-Secondary Education Commission goes in and reviews a post-secondary institution and makes a report to the committee where the committee reviews the report and almost always, there have been very few occasions when they haven't, they approve it. Under this bill it would allow the Post-Secondary Education Commission simply to grant the degree granting authority but with a couple of additional points. One is that the Post-Secondary Education Commission would appear before both the House and the Senate Education Committees and report on a biennial basis. They will also ask the Chairman of House Education and the Chairman of Senate Education to invite one of the two committee members to sit on the committees that are reviewing these schools. So there would be substantial input from the Legislature. Beyond that we still do not give up our right to offer legislation rescinding that degree granting authority. The amendment would not allow the Post-Secondary Education Commission to review the University of New Hampshire System schools because under the current statutes the Post-Secondary Education Commission doesn't do that. They don't do it with Dartmouth and they do not do it with the Vocational-Technical schools. So those three groups are not included under this bill.

SEN. MONIER: I'm interested in the last statement but I'm also interested in the one before that. Am I correct in assuming that the current amendment that you are speaking about allows the Legislature to rescind only? In short that the Post-Secondary Education Commission can grant the degree granting authority but that we do not have to sanction it? In short they would not then submit to us a legislative matter saying the following have been given degree granting authority and we would have no say over that, or only

authority would be to rescind it if we so desired? Is that a correct statement or not?

SEN. LESSARD: Are you saying that that is what occurs now?

SEN. MONIER: No. Is that what the amendment says?

SEN. LESSARD: No, the amendment simply deals with the University of New Hampshire. The bill that is before you would have the Post-Secondary Education Commission grant the continuing degree granting authority, something that most legislation does on these bills. These bills that we have seen, twelve of them this session, say upon the continued approval of the Post-Secondary Education Commission. So that the bills that are before us and are going through the Senate and the House already give the Post-Secondary Education Commission substantial power.

SEN. MONIER: Let me reiterate my statement. At the present time, however, the Post-Secondary Education Commission does not grant degree granting authority. They make a recommendation and in many cases, if I'm not mistaken, they bring in or recommend to certain Legislators to sponsor legislation to the effect that they should or should not give this. Is that correct?

SEN. LESSARD: That is correct.

SEN. MONIER: This bill now is saying that they will grant that and my question beyond that is, beyond the fact that we can rescind what they do, do we also have to authorize what they do or not?

SEN. LESSARD: Currently we authorize what they do with these twelve pieces of legislation, yes.

SEN. MONIER: Under the new bill we do not have to authorize?

SEN. LESSARD: Under the new bill we do not have to authorize that, that's correct.

SEN. MONIER: The second thing that I would like to ask if I may is that the amendment as it is shown in here only eliminates the University of New Hampshire System and Dartmouth, is that correct?

SEN. LESSARD: The University of New Hampshire was left out of the original bill. It included Vocational-Technical schools and Dartmouth. The amendment should include the University of New Hampshire System in the three categories.

SEN. MONIER: Yes, because I can't seem to get my question across straight. At the present time if this bill was to pass as amended, and the amendment to pass, would the only colleges that would not be under the control of the degree granting authority by the Post-Secondary Education Commission be the University System and Dartmouth?

SEN. LESSARD: Under this bill without the amendment?

SEN. MONIER: With the amendment.

SEN. LESSARD: With the amendment there would be three institutions, Vocational-Technical schools, Dartmouth, and the University System.

SEN. MONIER: Then New Hampshire College, St. Anselm's College, Franklin Pierce and the other private institutions in the state would be not exempt and would have their degree granting authority under the control of the Post-Secondary Education Commission.

SEN. LESSARD: The Post-Secondary Education Commission which has ample representation on it from both public and private post-secondary institutions, yes.

SEN. MONIER: Was there testimony from these other private institutions that they agreed with this bill and this amendment.

SEN. LESSARD: No sir. There was no testimony, just some from the Chairman of the House Education Committee, myself, and the Director of the Post-Secondary Education Commission.

SEN. MONIER: Can you give me a reason as to why the University System and Dartmouth College are the only ones that are exempt?

SEN. LESSARD: The Dartmouth Institution has never gone under the review of the Post-Secondary Education Commission. They have come before the New Hampshire House. In talking with the Director of the Post-Secondary Education Commission he indicated that the lawsuits the state had been involved with with Dartmouth made it such that they had to be exempt from this.

SEN. MONIER: Would you believe, Sen. Lessard, they may have more. The question though that I would like you to respond to again is, none of the private institutions that are currently, and for your information they also do not get their degree granting only from there they get it from the Legislature and the charters are on record in most of the cases.

The case in point though that I am trying to make, Sen. Lessard, is, is that this bill and the amendment if passed, changes the procedure whereby private institutions other than Dartmouth and the University of New Hampshire, will be given degree granting authority. Is that a correct statement or not?

SEN. LESSARD: I guess so sir, if you say so.

SEN. HOUGH: Could you clarify a few points for me. The Post-Secondary Education Commission came into existence I believe in the 50's or not prior to the period of the last 20 or 30 years, is that not correct?

SEN. LESSARD: Yes.

SEN. HOUGH: And the Post-Secondary Education as it was brought into existence was charged with reviewing those institutions that then came or made application for degree granting powers, is that not correct?

SEN. LESSARD: The House Education Committee and the Senate Education Committee needed some vehicle.

SEN. HOUGH: Which I understand. The facts are that institutions that had received degree granting authority from the Legislature prior to the existence of the Post-Secondary Education Commission have never fallen under the review of the Post-Secondary Education Commission, is that not correct?

SEN. LESSARD: That's true. That is correct.

SEN. HOUGH: Recognizing that as institutions initially receiving degree granting authority from the Legislature and inevitably it was always for a time period of say three years and then reapplied. The attempt of the House and Senate Education Committees with this Legislation was to establish procedures wherein once the Legislature grants the degree-granting powers say for three years it would no longer become necessary every three years to have fifteen or twenty separate bills. My question is, were a college to be developed today, out of the blue, would they not, after development and etc., have to get their initial degree granting authorities from the Legislature? Or could the Post-Secondary Education Commission under your bill and amendment, establish degree granting power for an unknown institution that starts in 1981?

SEN. LESSARD: It could with a new understanding, is my understanding.

SEN. HOUGH: And it also could sit in judgment on those institutions which have been in existence prior to the existence of Post-Secondary Education Commission, which Post-Secondary Education has never been able to look at, is that correct? With the exception of Dartmouth, the University System, and the vo-techs.

SEN. LESSARD: That is correct.

SEN. HOUGH: I assume St. Anselm's College is probably 150 years old, let's say, and they, 150 years ago, got their degree granting powers from the Legislature. It is a private school. Post-Secondary has never passed judgment on them and now you are going to allow them to?

SEN. LESSARD: No. In the new programs coming in those programs that are already established would probably not come under the review of the Post-Secondary Education Commission. They have no interest to go into these existing programs. What they would do is if a new program were brought in, many times within the 18 months that the Legislature is not in session programs are developed. Programs are developed, students find an interest in a program and Post-Secondary Education Commission's hands are tied. They cannot authorize the granting of degrees in this particular program without the approval of the Legislature which may or may not be in session. So there is a unique problem.

SEN. MONIER: I'm beginning to get more and more trepidations about this. I want to assure you that when I stood up it was only to ask you those questions because I thought I would get different answers but I am about to make a motion to indefinitely postpone unless I can get some specific answers about two things. The first is, when you brought up the position about programs, that may have been a problem in the sense that we are not in Legislative session but certainly you could have had an amendment to this bill to the effect that they could have done it until such time as the Legislature was in and the Legislature could make that authority. That's never been a problem before. As a matter of fact I have seen some programs that have come on this floor in the last session in which you had two colleges battling about who would get that degree granting authority, to be very frank with you and without naming their names.

SEN. LESSARD: What is your question sir?

SEN. MONIER: My question is very simple, do we have the authority then to pass on any degree granting authority that the Post-Secondary Education Commission grants, or not?

SEN. LESSARD: Yes.

SEN. MONIER: How is that done under this law and this bill with this amendment?

SEN. LESSARD: The Legislature could continue to sponsor legislation dealing with that or rescind it?

SEN. MONIER: Only to rescind it.

SEN. LESSARD: Well, no, if the Post-Secondary Education Commission refused to allow the granting of a degree the Legislature could come in and sponsor it and send it forward. It could also rescind.

SEN. MONIER: Then I will put the question a second way, and the last way. And that last way is this, if the Post-Secondary Education Commission was to grant a degree authorization the only way this Senate would have any action on it, or this Legislature, would be if they wish to rescind it.

SEN. LESSARD: That is correct.

Sen. Kelly moved that SB 179 be laid on the table.

Adopted.

SB 244-FN, relative to evaluation of teachers, supervisors and administrators. Majority: Inexpedient to legislate; Minority: Ought to pass. Sen. Lessard for the Majority; Sen. Chandler for the Minority.

SEN. LESSARD: The committee met and had a hearing on SB 244-FN. There was a fundamental question we had to ask ourselves when we heard this bill. What other profession do we ask to go through an evaluation like this? This is a bill which mandates down to the local school districts that the teachers that the school districts are hiring pass a proficiency test in basic reading, writing, grammar, spelling, mathematics, in order to be certified as a teacher. It was the majority of the committee's feeling that the school boards, the school departments locally, should be responsible for the people that they are hiring and that the state should not hand this down to the local communities. Beyond that, how could we form a test which would take into consideration certain learning disabilities that a teacher may have. A

case in point is, suppose that a teacher has dyslexia, has trouble reading. They may be an excellent teacher in every other way but because of that learning disability may not be able to pass this kind of a very broad statewide exam. We hope that the Senate will vote inexpedient to legislate on this bill.

SEN. CHANDLER: For a number of years now we've heard and read of a national scale about the quality of the education that the students have been receiving that is deteriorating. The students have been getting lower scores and students have been known to graduate who couldn't read or write. It is not only possible in New Hampshire but all over the country and in some places probably worse. We feel or I feel that part of the reason for this is that the teachers who are teaching these students are not as good as they could be and some of them, perhaps, can't read or write themselves. If they can't read or write themselves why then should they be in a position to try to teach the students. I think there is nothing wrong with having the teachers pass a test to find out where their strengths are and where their weaknesses are and if we find one that can't read or write I don't know what we can do with them, it would be up to the school board as to whether they want to hire them or not. I feel that this is a reasonable thing to do, to have them take a test. I don't think there would be too much of a problem in devising a test for them to take. We want to hire the best teachers we can for our children. We don't want to hire some incompetent who may have graduated from some out-of-state school and we don't know what the teacher's ability really is.

SEN. SPLAINE: Can you tell me what makes a good teacher?

SEN. CHANDLER: What makes a good teacher? The knowledge of the subject that he is teaching and his ability to impart it to the students.

Sen. Wiggins moved that the word "ought to pass" be substituted for the Majority Report of "inexpedient to legislate."

SEN. WIGGINS: Lawyers have to pass a bar exam before they are allowed to practice law. Doctors have to go up before a medical commission before they are allowed to practice medicine. I think in this state the way the education evaluation tests are dropping as well as across all the nation, that we should have a test to see how much knowledge these

teachers have and how their memories are so they can impart the knowledge to the child if he has the ability to learn, and increase our scholastic standings in the state.

SEN. SPLAINE: Can you tell me what makes a good teacher?

SEN. WIGGINS: A good teacher is one that has a knowledge of the subject he is going to teach and can impart that knowledge in the manner that the pupil he is teaching can learn that knowledge.

SEN. LESSARD: Sen. Wiggins, don't you think that is up to the local school district to determine?

SEN. WIGGINS: The way our scholastic standings are dropping and the way the quality of our education seems to be dropping in math and English and other subjects, I fear that we are going to have an intelligence gap in the next ten years.

SEN. BLAISDELL: I rise in opposition to the pending motion of Sen. Wiggins. I don't know, I find myself in agreement with the Manchester Union Leader were it says that standard tests show gains by New Hampshire pupils. I never thought the day would come that I would agree with them but I do. This report also states that our students are doing very well in math. It also states that some girls are doing a little bit poorer in SAT's, boys are doing a little bit better. Here is another report that states that our children in this state are not doing too bad. But I think we want to get down to the real basic question. Yesterday this Senate said we will not require cities and towns to do anything that this state mandates unless we send them monies to do it. Here we are again sending something else back to my district, and I object to it vehemently and I will as long as I'm a Senator. I object to it vehemently that this Legislature mandates something back to my area, doesn't fund it, really doesn't fund education hardly at all and really wants to stick their nose into our business. We are capable of running our own business in my area and I'm sure that the school boards are capable of running their systems in your areas. I object to this Senate, or the House, or anyone, mandating programs back. When you talk about teacher programs and whether or not they have to be tested, they have degrees coming from competent colleges, they pass tests to get out of those colleges, and I don't believe we should be treating them as little children. I am proud of the district that I have, the school districts that I have. My children got an excellent education

from the Supervisory Union 29 and they got it without any help from this Senate or members of the House. Again, I state that that is our business in our own areas. We will take care of it. Don't mandate something like this back, this is foolishness.

SEN. SANBORN: We just had one newspaper waved at us, how about waving the Concord Monitor? Since the Union came out, Tuesday April 21st, the headline reads "Schools Fair Poorly in Statewide Testing." That's the headlines. That is just one. They read that review that Sen. Blaisdell just waved at us and they read it to the fact that it was doing a poor job and that was just a sample. Just a sample that was taken that shows in that report. I don't think the Senators have the time at this time to read *Newsweek* of April 20th, there is quite a long dissertation on why our public schools are failing. Now we have heard mention of the SAT tests and so forth. Suppose somebody here goes to the military and asks them how the kids coming out of high school and so forth respond to the tests that are given in the military to see whether they are sufficiently learned to be able to learn electronics or some of this modern gear. They will tell you very flatly that they have had to lower their standards in the military so that someone who supposedly graduated from the fifth grade could get into the military now. That's how poorly our schools are doing. Not just the State of New Hampshire. The State of New Hampshire does fairly well in the SATs, I agree, at this time, but find out if a kid in the State of New Hampshire can get a high mark on an SAT test of 1960, he'll fail it. They have kept lowering these SAT tests, they will tell you this nationwide, because the students coming out of schools cannot pass them. They have lowered the standards. We are not mandating a thing to any district except that we are mandating good education in the State of New Hampshire. That is all we are mandating and that is all we want to see.

SEN. MONIER: I want to rise just to correct a couple of things. I would like to offer to Sen. Blaisdell a reading of page 2 of the bill so that while we can appreciate his theatrics maybe we can get down to some facts. In the first place, this bill does not mandate that the locals will do this and therefore that whole issue is rhetorical. The bill says very clearly, page 2 section V, in order to help stop it, etc. it says, "Among

public schools in all states New Hampshire passes this act to require that teachers themselves, as a prerequisite for being awarded education certificates, be able to pass a test . . . ” The test has nothing to do with the local school districts or the decline of rule, or how nice the teachers are in your local area. I happen to think mine are very nice as well. It says test required to establish certification by rules adopted relative to the qualifications of candidates for teachers, supervisors, administrators in a public school, and to issue certificates to those who meet the requirements. The State Board will set those requirements. What this really means when you translate the emotionalism of protecting our teachers’ turfs is very simply this, that like every other profession they will be tested before they will be issued certificates of eligibility to teach in this state. I don’t like to be harsh about this but I get a little sick and tired of standing here. Now I am an educator. I was certified at one time to teach in the public schools and if Sen. Splaine asks me what are the qualifications of a good teacher I would tell him very darn quick. One of the things that is not a qualification for a teacher is somebody who can’t read English, or can’t add, or can’t run a multiplication table, or doesn’t know how to use fractions, or doesn’t know how to use a lot of other things, particularly if they teach math. But let me just go back to what I said in the first place, this is not saying that the local school boards must test teachers. I think some of that kind of testimony may have been offered at the Education Committee. If it was I can guarantee you it was offered by those who are protecting their turfs only. I don’t stand here in any way at all afraid to say it. What this says is is that like plumbers, if they want to go to that level, this Senate has sat here and established all kinds of standards of certification to receive those eligibilities to do things in this state. I would like to know why it is that the Education Association feels, with its friends, that it has got to be protected from that? What are they trying to hide? If they can understand simple English and pass a test, understand mathematics and pass a test of basic mathematics, understand the other basic R’s that are talking about, there isn’t any concern with it. I don’t care how we vote on the bill, to be very frank with you. I am going to vote for it, not because I think that they are downtrodden, don’t do a good job, or that somebody in the local district

doesn't like them, or that the school board won't pick on them, simply because they are supposed to be a professional association. Let me tell you something, if you go to Florida you don't teach without passing a test. If you go to many other states you don't teach without passing a test, in the public schools. In the colleges you are judged by your peers on your academic degrees and you can still be dismissed, you are not granted tenure without approval by them. I have been in the education business for a long time and I want to just tell you two things, I can't help it I've got to smile for a minute and make a little humor out of this. Sen. Blaisdell, bless you for quoting the Union Leader. Now you bless me because the Concord Monitor is absolutely right. Okay? I'm sure Mr. Gerber did not write it but somebody did. The truth of the matter is that all over the United States today, and it is foolish to pretend that we can hide our heads in the sand. How many of you have 50 cents, if you don't I'll give it to you if you go buy what I ask, which is simply the *Newsweek* this week. If you don't want to listen to anything that is sensible but you want to pretend that you are protecting a particular profession, I'm a teacher, a public school teacher, or could be if I wished, probably not now because the New Hampshire Education Association would bar me. But the truth of the matter is, I ought to be able to pass a test or I shouldn't be allowed to teach. It is as simple and basic as that. This does not say the local school boards will set up a test. I don't mean to get hot about these types of things but I wish you would stay to the facts and the facts are very simple, either a teacher should be tested in order to be certified to teach in the public schools, or they shouldn't. All the rest of it is rhetoric or protection of turf, meaning, protect my own job, protect my own thing. If we have teachers in school who can't pass the test then my question ought to be that is all the more reason to have it.

Sen. Conley moved the previous question.
Adopted.

Roll Call requested by Sen. Splaine.
Seconded by Sen. Monier.

The following Senators voted yes: Lamontagne, Conley, Freese, Chandler, Wiggins, Monier, Stabile, Podles, Sanborn, Brown, and Roy.

The following Senators voted no: Hough, Blaisdell, Boyer, Kelly, Rice, Stephen, Champagne, Lessard, Preston, and Splaine.

11 yeas 10 nays

Adopted. Ordered to third reading.

SB 245, concerning a statewide public school system performance evaluation. Inexpedient to legislate. Sen. Blaisdell for the committee.

SEN. BLAISDELL: I think some of you who were in the last session will recognize this bill as SB 216, which didn't pass this Senate. Some people have said that it did pass the Senate in the last session of Legislature, but it did not. It went down to a 16-6 defeat at the hands of the Senate. I have the roll call if anyone is interested. This again requires the State Board of Education in cooperation with the House and Senate Committees on Education to establish an examination for annual evaluation of fifth, eighth, eleventh grade students to provide a measure of effectiveness on the New Hampshire public school system. Again, the Department of Education put out a report in 1980. It is here in front of you, if anybody would like to look at it I would be very glad to give you this copy. I again say that this is mandating costs back to my area and to your area. I think it is wrong. I have differences of agreement with Sen. Wiggins and he can speak to it on the Senate floor if he likes. I know that if I was a fifth, eighth, or eleventh grade teacher I certainly wouldn't want to teach those grades. I'd like to know who is going to evaluate the rest of the teachers. You pick out those three or four sections of a school and evaluate that, I think that is wrong. But again I think the basic point is that we passed legislation yesterday that said that we will not mandate programs back to the cities and towns, and if we do mandate it back and don't send the money to do it then they have a right to refuse the mandate. I think it will open up a big bag of worms really. The school districts will say well it is

going to cost a big amount of dollars, the state says that they mandate back the programs to us and don't send the money, we don't have to do it. I think that this is another bill that is unnecessary. I think we have other things in this Legislature to do that are more important than this.

SEN. CHANDLER: I did not file a Minority report on any of these other bills largely because I felt it was an unnecessary effort to file a Minority report because these are going to be decided here on the floor of the Senate rather than in the committee. I would think these were all good bills, good intentioned bills, and bills that are needed because if we don't make it mandatory that someone does something the thing will never get done.

SEN. BLAISDELL: Did you read this report from the Department of Education that we mandated to them that they must do a study and report back to the Legislature?

SEN. CHANDLER: Did I read the report? No I didn't.

SEN. BLAISDELL: Would you like a copy?

SEN. CHANDLER: I've got a copy. I've had a copy for quite a while. I haven't read it all.

SEN. BLAISDELL: Didn't we say to them that we are setting up a program to test our students? Hasn't that been done, Senator?

SEN. CHANDLER: They don't call it testing, they call it accountability and they have been working on it for three or four years. I don't know how much they will accomplish with what they are doing and it does cost them a lot of money the way they are going about it. I don't think it is necessary to cost all that money. I think it is a simple thing for a teacher, if a teacher is qualified to teach he ought to be qualified to make an exam for anybody. I don't think that report, that is educators reporting on educators.

SEN. BLAISDELL: You know the way the classes are mixed now with kids with learning disabilities and other forms of disorders in classes, they are all mixed together now. Don't you think that that might bring down the testing scores of the fifth, eighth, and eleventh grade if they are mixed in? Don't you think teachers would be afraid to even take part in a testing program like that, or wouldn't want to even teach those grades?

SEN. CHANDLER: The test would be of the students, wouldn't it?

SEN. BLAISDELL: Yes.

SEN. CHANDLER: Well, it would be on an individual testing. What's wrong with finding out what the capabilities of the various students are?

SEN. BLAISDELL: Again, you have this report?

SEN. CHANDLER: I haven't read it.

SEN. BLAISDELL: That is the report. That is exactly what you are saying they should be doing, they have already done it. Now you want them to do it again?

SEN. CHANDLER: I don't know that they have done it right.

SEN. HOUGH: I rise to speak in favor of the committee report on SB 245-FN. As Sen. Blaisdell has mentioned we have seen this bill in the past. I think it is a shame that the Legislature should entertain such a proposition as this. Throughout the State of New Hampshire we have varying degrees of school populations in different communities with different backgrounds and we are going to try to establish some type of testing which I find is contrary, basically, fundamentally contrary to education. We ask on the one hand that the teachers take all of our children and all of their various conditions and we ask that they do the very best possible that they can within their professional background for these children. We also ask that they take care of social and moral and every other type of consideration. For 300 years in this country we have committed ourselves to free and public education, and I submit to you that the best test of the quality of education in this country is the real world and the success and the abilities of our citizens when they go out into the real world. Yes there are failures and yes there are successes, but in spite of all the training it is a question of individual motivation. The teachers are doing an excellent job preparing the students in this state and I think that to have a class examination, the next thing that we will be talking about is a national examination. We have taken college boards examinations, fallen into various percentiles. Some of us have been successful in gaining admissions to college, some of us have failed, and at the completion of undergraduate there used to be, twenty years ago anyway, a test called comprehensive, that put us in a percentile of college class, on the basis of those comprehensive scores we might have some standings in graduate schools. But in the primary and elementary school levels

through high school, I think it is wrong to establish a testing program. We are going to be teaching the tests instead of teaching the students. I trust that you will go along and I hope that you will go along with the committee report. The New Hampshire Senate has been consistent on this. We are not that far away from 1984 and I hope we don't get to the point in the State of New Hampshire where we have to be that regimented. The world or the society in which we live is the basic test and I feel quite competent that the majority of people educated in our schools in New Hampshire will be successful as they have been for the last 300 years.

Sen. Sanborn moved the word "ought to pass" be substituted for the committee report of "inexpedient to legislate."

SEN. SANBORN: Again I show the Concord Monitor that evaluated that item that Sen. Blaisdell has been waving at us about how the Department of Education indicated how well our students have done. The Concord Monitor looked at the thing and said how poorly they have done, which is a very true indication. I remember a few years back another Senator standing on the floor of this Senate and said that he would prepare, and he was a college professor, tests free of charge to the Department of Education to evaluate the children. In answer to Sen. Hough, it says right here in the *Newsweek* article that I indicated to before, "in a culture that consistently demands more sophisticated knowledge just to hold a job, an educational system that isn't getting any better fast is by definition getting worse. What passed for competency in 1960 wouldn't pass for it in 1980 and cannot hope to pass for it in the year 2000", said Graham Down of the Council of Basic Education.

SEN. KELLY: What we are seeing here today is a result of the public deciding, if you will, it's frustration with the educational systems. The frustration in this body is so high that we have Sen. Blaisdell with the Union Leader and both Sen. Sanborn and Sen. Monier with the Concord Monitor, will wonders never cease. I'm afraid that legislation of this nature represents something that goes a little further than just this particular bill. It is a lashing out at education and it is beginning to create legislation that is punitive in nature. Discussions that I have heard both here and off the floor

of the Senate are beginning to put people who work in the field of education in a bad light, worse and worse. I submit to you that New York state which has testing doesn't seem to be turning out students any better than the students here in New Hampshire. I haven't been able to come across any figures that show other states that may have this testing are far superior to ours. The very fact that the Concord Monitor and the Union Leader are beginning to report or have articles in their papers quoting this report that is being done, shows that we have taken steps and it is beginning to work. We are finding the weak areas and our programs can be designed to correct those weaknesses. I think, not only in this legislation but in some of the others that we have just talked about and we are going to talk about, we are beginning to overreact. I'm going to stay with the committee on this, in favor of inexpedient to legislate.

SEN. CHANDLER: You mentioned that you have found some weak areas in our educational system. I wonder if you could tell us what they were?

SEN. KELLY: I'm saying that the report has in it some of these weak areas and I have the Concord Monitor in front of me here I guess perhaps I could point to some of those.

SEN. CHANDLER: Then you yourself have not found any weak areas?

SEN. KELLY: Oh, I'm not denying there are weaknesses. There are weaknesses in anything. We were talking about the testing of teachers a minute ago, I'm sure there are bad teachers in the system. I teach and I see some that I don't think are the best but those weaknesses can be corrected and I think that we have a program that the Legislature voted for, that they put money into, that is now beginning to work. Let's give it a chance.

SEN. CHANDLER: How can we correct the bad teachers? You mentioned we could correct them, how could we correct them if we don't know who they are?

SEN. KELLY: I think they surface pretty well. It is up to a school department to weed them out.

SEN. HOUGH: Sen. Kelly, two brief questions. It is my understanding that you have had some experience in classrooms as a professional teacher and my question is this: Is it not easy to determine in certain instances a degree of accountability in the technological field but is it not also very

difficult to determine, in making judgments as to individual students, one's ability to basically think and reason successfully? Isn't there a difference between two general bodies of knowledge in determining students?

SEN. KELLY: Most definitely. If our purpose is to teach just the ABC's we can do that by practically a rote process. To stimulate the thinking process is something altogether different and perhaps requires course work and teacher ability that is of a different nature. It doesn't show up on a test that you give that has a yes or no answer. You should know as Legislators that although we finally have to vote yes or no on everything, there are all shades of things in between.

SEN. WIGGINS: When I was in school way back, now this is going to date me, in the early 1930's I had to be tested quite frequently. In fact I was on the high school math team and I wasn't a bit afraid to go out and compete against other high schools. I think with the money we lay out in education we should be able to have some system to see if our educational system is working, otherwise in letting them use dope, not teaching them, I'm sure the educational system would like to be able to stop dope and other things that the kids are practicing in our high schools today. I never was afraid to take an exam and this was years ago. In fact I was in my first year of high school in 1928, so you know how old I am. I never had the benefit of a college education but I've done a lot of studying on my own and attended every night seminar or educational subjects on my own and I compete today in a very competitive world. Everything I do has to excel in excellence because I'm a very close tolerance machine industry and everything has to be to print excellence. It wouldn't do any harm today if we had excellence in education and excellence in several things. I look at this report on testing when they enter the armed forces. Artillery crewmen, 1,574 tested, fourteen passed. Nuclear weapons maintenance specilist, 385 tested, ten passed. Tank turret and artillery repairman, 375 tested, two passed. Hawk missile crews, 1,095 tested, 18 passed. Cannonfire direction specialist, that means a lot of math, 2,794 tested, 19 passed. So you can see we are in pretty poor shape on math.

SEN. KELLY: I wonder if the Senator is aware of the amount of time that is required of classroom teachers just to meet the present regulations in testing?

SEN. WIGGINS: I sure am aware of it because I've been one of the biggest supporters of our high school in Sunapee.

SEN. KELLY: Would the Senator believe that if we were to go with this method, how strong the possibility would be that teachers will then get away from real subject matter and teach to the test?

SEN. WIGGINS: I do not agree, sir.

SEN. PRESTON: I share some of the concerns and frustrations of even some of the sponsors of the bill in reading such news articles. I agree that there is good and bad in every profession but I must oppose the pending motion ought to pass. I consider this variety of bills really an insult to the State Board of Education, to the Department of Education, to the superintendents of school boards and elected officials. I taught for a couple of years. I have a B.S. in education and was never so tired as when 2:30 came. I couldn't afford to teach so I went into business. I think if we are to be consistent, really, after listening to these bills that we had state-administered tests to Senators on the same basis of proficiency in grammar and spelling and perhaps I.Q.'s. I just think that we have sufficient officialdom and trusted with the responsibility to carry out what we are proposing here and I urge my colleagues to vote this motion down.

SEN. SPLAINE: Well, I don't apologize for taking up a little bit of the Senate's time to talk about this issue. I do apologize though as one member of this Senate that may end up very seriously considering passing legislation like SB 245 and the previous bill. I think we ought to at least look at this issue by putting it into perspective and focus. During the last several thousands of years, ever since we've had the beginning of the concept that we want to pass knowledge on to the next generation, we have been talking about how to improve our educational system. We can always do better. I think that is obvious. I think that is a must. We should always think about how we can do better. I think that school districts without being mandated, had that opportunity to work with the administrators, to work with the school boards, to work with the teachers, to work on the curriculum, to work on how to improve their own testing procedures. We certainly don't need to pass state legislation. Listen to this, this is on this bill, SB 245 that we are talking about today:

"The Department of Education estimates that this bill will increase state expenditures by \$223,000 in 1982, and \$242,000 in fiscal 1983. Local expenditures would be increased by \$10,000 annually beginning in fiscal year 1982. These figures represent the cost of testing materials and the administration and clerical expenses of the program." What are we talking about here? We are talking about a major commitment of expenditures on the part of the state when we are not even now committing ourselves to providing the kind of funding to local education and to the educational school system to help our kids learn. To me SB 245 is totally ridiculous.

SEN. SANBORN: Just one simple question. Who put in that fiscal note? Who does it say put in that fiscal note?

SEN. SPLAINE: The Department of Education. I would assume that LBA would have to go to someone and the Department of Education would have to administer this program and they are the ones who can project how much it is going to cost. Certainly you as a Senator, you can't add up those figures so that you come up with a cost.

SEN. SANBORN: And who makes up the Department of Education? Is it educators?

SEN. SPLAINE: People that we pay for.

SEN. SANBORN: I said, is it educators?

SEN. SPLAINE: Business administrators, accountants. When the LBA's office called them I'm sure that the accountants over there, the business administrators, worked on the accurate projections. They point out that they would need three additional positions to administer the program. You said that somebody was going to volunteer, a State Senator was going to volunteer, to put together the test. I don't see him volunteering that kind of service.

SEN. CONLEY: Would you believe the Education Department missed the special education budget by about \$6 million?

SEN. KELLY: Sen. Sanborn, if you need plumbing work done who do you go to?

SEN. SANBORN: I go to a qualified plumber.

SEN. KELLY: Okay. The point that I want to make is to say that the education people that have had the input into this and are you saying the education people don't know anything about education?

SEN. SANBORN: If I remember correctly, Sen. Kelly, when Commissioner Brunnelle started his testimony on both

of these bills before your committee, he started off saying we are not entirely opposed to these bills.

SEN. KELLY: That's correct.

SEN. BLAISDELL: Sen. Kelly, didn't the Commissioner of Education say also, "you give me the money and I will bring every student out of that school who can read and write." Didn't he say that, give me the money and I will do it?

SEN. KELLY: Most definitely.

SEN. BLAISDELL: Do you have any magic wand in your hand that can tell any more than Commissioner Brunnelle can tell what special education is going to cost in the State of New Hampshire, for last year, this year, or next year?

SEN. KELLY: If I did I would be in the corner office perhaps.

SEN. BLAISDELL: That's right. You'd better believe it.

SEN. RICE: Sen. Sanborn, as one of the sponsors of this bill does this bill address the fact that your feeling, evaluation is not currently ongoing in school districts?

SEN. SANBORN: Sen. Rice, again if you go back to the little pamphlet that Sen. Blaisdell has been waving at us. If you take a careful look at it you will note that this is only testing that was done in selected places, not statewide. It was a parlor program.

SEN. RICE: I find it amazing that at least one of these members is the one that keeps talking about keeping government out of local affairs, and the home rule. Are you saying that most school districts are not concerned with the performance of kids? And that evaluations of both students and teachers is not ongoing?

SEN. SANBORN: We have established a State Board of Education and an Education Department, at great expense, whose performance is supposed to be in accordance with the Constitution of the United States and of the State of New Hampshire especially, that everybody receive a good education. Right now, my feeling is, they are not receiving a good education. What they are doing right now, Sen. Rice, and I testified to this before the committee on this bill, they are promoting students to keep them with their peers, not on knowledge, on their peers. This has been going on since the mid-60's. They feel, psychiatrists and so forth feel, that you are disturbing the child if you hold him back, because he doesn't know anything you hold it back. Now the old

days, right here in the city of Concord, your system used to be that you could graduate in 11, 12 or 13 years. That was when I was going to high school back here in Concord, that was before your time.

SEN. RICE: Your statement was that the Constitution says the kids should get a good education and that they were not getting a good education.

SEN. SANBORN: That is correct.

SEN. RICE: And therefore you sponsored this bill. Now if they are not getting, using your argument, a good education, wouldn't we as a Senate be better off appropriating sufficient money to educate kids rather than more money to test and to set up evaluation systems that are currently being done, hopefully, anyway?

SEN. SANBORN: At this time, I hate to bring up your party, but the one thing over the last 25 years the Democratic party has been doing in Washington is saying you solve a problem by throwing more money at it. I'm sick of throwing money at something and getting nothing back.

SEN. RICE: Well why don't we defeat this bill then and save \$223,000?

SEN. MONIER: I am going to just speak gently on this. Gently because we have already had the motions flowing. But I am going to make a couple of comments to the statements that have already been made. Sen. Hough mentioned that the proof of the pudding lies in the success and I would agree with you Sen. Hough and I appreciate your responsibility in that area. I would also point out to you that, and I'm going to take just a couple of minutes to do it, we are talking about what people are going to do, what the education department has done, how much money they have spent. The truth of the matter is that we are spending about 70% of our property tax on education. The answer is we ought to be getting something for it and we are. I watch them every year coming into the college. I teach a freshman course every year at 8:30 in the morning, sometimes I'm a little late, sometimes I'm a little early. The truth of the matter is they are not progressing as well as they did. In eighteen years they have downgraded themselves in many of the basics. But I still say that is beside the point. I went to public school myself in New York state which has always had a Regency Examination. A Regency Examination was something that you

had to take in order to graduate. You could not graduate if you could not pass a Regency test, then you could not get a diploma from high school. You could, however, complete your high school in other ways, you could still enter college and so forth. When we hear this business about teaching to tests, there isn't a teacher in the United States, in elementary, pre-kindergarten, secondary schools, or upper education levels that doesn't teach to tests. As a matter of fact in 18 years I have accumulated a chest drawer full of them. And you do teach to them. That does not mean that you have to spend your time in the classroom teaching so they can pass that test. When you teach to a test, that is if it is properly made up, it usually measures two things, retention of the students, the understanding that they may have achieved from the material that has been presented, and lastly but not least, whether they are able to comprehend it and utilize it. The latter part is where you and I agree. Utilizing. So with all of the rhetoric going here, and I'm going to address the fact that some people, Sen. Preston who I'm a little surprised at, he had a very soft voice and a very effective speaker and I appreciate his confidence and his intelligence, I'm surprised that he thinks it is an insult to talk about a profession. I don't think it's an insult to talk about it at all. I do not think it is an insult, Sen. Preston, to talk about education. I don't think these bills insult them one little bit. I'm insulted by the very fact that they seem to resent that they have a turf that somebody cannot question. We question everybody else's turf. Let me just point out some of the conclusions that came in your own Concord Monitor, Lord forbid that I should do this, and then I want to go back to some studies that were done because it is funny to see the Union Leader and Sen. Blaisdell and I on opposite sides of this matter. One of the things that was pointed out in the Concord Monitor was that students' reasoning skills are not well developed in math, language, art, history, or government. Students have difficulty applying skills and knowledge to practical, everyday situations. I made a little note that in the outer world, the proof of the pudding that you spoke of, they can readily locate information when presented in conventional formats such as charts and graphs, but not in unfamiliar formats such as bus schedules and cartoons, ballots for examples, and check books and things of this nature. I'm not arguing that we teach

a vocational course, I've heard that argument from the educational association as well. What I'm saying is the capability of applying the skills and the learned acquired knowledge to practical everyday things, I think, ties directly to what you said. Secondly, and I'm not picking on you it just so happens that I agree with you, they can readily read and analyze and locate the information in fiction or biography, and I think that is good, but they are less competent to read textbooks, reference works, newspaper articles and make judgments like we make very accurate judgments about the Concord Monitor, and magazines, for example. The conclusions that were faced on testing conducted last fall by a scientifically selected sample of students in grades 5, 9, and 12, at different levels of achievement, they failed in all three grades. To be able to take what they are being educated to do and to translate it into a thought process, which is the process of education, into a practical solution. More than 25% of the twelfth graders were unable to use percentiles or percents in even the most fundamental ways and in fact some of them had little understanding of what even the symbol meant. Also many twelfth graders could not work with fractions at all and failed to exhibit any understanding of the concept of fractions at all. I don't think there is anyone in this particular body here, that if you have any extra money and most of us do not but some of us do, that you do know the difference between a fraction of a percent on an interest because we transfer money consistently to take care of that. Many twelfth graders were unfamiliar with basic terms of geometry, for example, they were unable to identify triangles, parallelograms, octogons, etc. In history and government the report showed that students generally understood the functions of voter registrations, the President's lack of power to appoint people to Congress, and how U.S. Senators attained their positions, but they knew very little about taxation. They did not understand the fundamental governmental process of elections, per se, or registrations. Merely half of the ninth graders knew that certain fundamental rights were guaranteed under the Constitution, and yet we spend in the news media, sitting in the corner, and among ourselves, an unlimited amount of time making certain we protect civil rights. Ninth graders did not understand that. The workings of county government were not well understood and signi-

ficant numbers of students could not distinguish between the process of law making and Constitution. Nor could any of them match government officials with these powers at all. As a matter of fact, prior to coming here last year, at the Goffstown High School I asked a group of senior students that I had been asked to talk to before they graduated, as to what they knew about state government. There is a course taught there on the fundamentals of local and state government and the United States government. They did not know there was a New Hampshire State Senate, a factor that Sen. Splaine would be happy with. They did not know, for example, what the difference was between the two. They did not know what the Councilors and the Governors do. Maybe they don't need to know that but by the same token fails our basic understanding of what we consider to be very important, government. I only point it out as an issue. Let me just tell you what this bill does instead of what we are all saying it does, or saying it does not do, or whether it insults somebody or something else. The bill requires the State Board of Education in cooperation with the House and Senate Committees on Education, to establish an examination for annual evaluation of fifth, eighth, and eleventh grade public school pupils to provide a measure of the effectiveness of the school systems. That's terrible isn't it. That's really terrible. That is an insult to a profession? It's an insult to pretend that it is. These tests cover the subjects of mathematics, basic science, English language, U.S. history, and New Hampshire history. They would be a valuable tool to evaluate both the performance of the system itself, the teachers, and the success of our system. This is one of the highest cost items of government in the United States, the public school system. I would like to know why there is such a distressing concern about the fact that we want to evaluate it's performance. We all thought Ralph Nader was great when he recalled automobiles because they had a defective point, but now we are insulting somebody to ask them to allow us to evaluate a public system that we support? I don't buy that at all. We want to make certain, I would like to make certain, that the students are receiving the best education possible. That's not saying that we are not. I said I want to make certain of it. I want to know why it is that 18 years ago in a basic introductory course in geography I could put a map in front of

people and they could tell me where the United States was, and if I put it in front of them today and listen to it carefully, half of them fail it, unless I don't turn it upside down because they don't understand anything about spatial relationships at all. I want to relate a little incident during the Vietnam War. We were sitting in the coffee shop, if you really want to know what goes on with students you go to a coffee shop in a college, if you are in a high school I guess you go out into the parking lot. But the truth of the matter is they were discussing Vietnam and all the problems of it and how terrible it was an etc. I went back upstairs and got a map. It was a world map, just a flat, straight projection of a world map. I handed it out to the students in the coffee shop and asked them if they would mind locating Vietnam. 10% were able to identify Southeast Asia, nevermind Vietnam. I know that may not be important but it is important to understand that education means what you acquire, you then establish and be able to use it in an effective fashion. Unfortunately today we have many children who cannot read, cannot write, cannot fill out applications for jobs, have to be helped when they go to Welfare to fill out the forms, in order to print their name. We have people who cannot run checkbooks and keep a balance. Now God forbid, I can't either, but the truth of the matter is I have a little more complicated one than most of them do. But the truth is they ought to be able to do these things. They ought to be able to understand these things. We are paying good money for that purpose and I get a little upset when people tell me that we have no right to ask why they cannot. I think that testing does not prove that the educational system is good or bad. It provides a measurement device. How many of you buy an automobile without driving it first? Why can't we ask that our students be tested for the effectiveness and efficiency, of what, not just the educator but we in government, elected officials, who incidentally are evaluated every two years contrary to having to take tests. We take a test every two years, don't forget that. But the truth of the matter is that several scores had nothing to brag about. Now let me tell you where this test was taken, in Milford, New Hampshire. Not Concord, not St. Anselm's, not in Keene, not over at the coast, but in Milford, New Hampshire. Let me tell you who devised the test, the teachers did. And they were shocked by their own per-

formances. I see no problem with this whatsoever. The last thing is that I wish to assure the Senate that next year on fiscal notes, this has nothing to do with the Education Department, we have a little research going on as to where these assessments of values and costs are coming from. Whenever a department is not interested in a particular program the assessments are high. Whenever they are for it the assessments are low. I think we should keep that in mind.

SEN. SPLAINE: You said that that test was given by the teachers at Milford?

SEN. MONIER: I believe that was where it was.

SEN. SPLAINE: Were they mandated to do so?

SEN. MONIER: No they were not. As far as I know, I have to say.

SEN. SPLAINE: Senator, who currently evaluates school systems?

SEN. MONIER: Well, if you want to be truthful about it, I'll give you two answers. One is I don't know, and two is I hope it is not by the same ones that are earning a living from it. Because I don't want to evaluate myself as to whether I'm good or not.

SEN. SPLAINE: Do we elect school boards?

SEN. MONIER: Well, I think we do, yes.

SEN. SPLAINE: Do they evaluate?

SEN. MONIER: Well, if you want an honest answer, I don't think so.

SEN. BROWN: According to the last census that was just taken by the federal government, I have in my district, District 19, roughly 50,000 people. I met an awful lot of people. I'm around, I'm in business around there. I have to admit that those that I talk with are vastly discouraged and disappointed with our public school system in the State of New Hampshire. Where so many say it I feel that there must be some truth to it. I am not an educator. I was never trained to be an educator. All I know is I sent four kids to school, I went to the parent-teacher association meetings and so forth. I am not an educator. My kids did all right. But something is wrong someplace, I don't know where. We have got three or four bills before us. I know the educational block is fighting but I feel that if they are justified in what they are doing and if they feel what they are doing is right, what is wrong? I should think they would be proud to have their

members evaluated, and also the students they are teaching. If they are doing a good job and they say they are then prove it to the public. What's wrong with an evaluation? I just can't see it. Another thing, your private schools are growing leaps and bounds. The people that are sending their children there feel that they are not getting the education they should in the public schools. Here's another thing I venture to say, of the 424 members of the Senate and the House of Representatives in the State of New Hampshire, I firmly believe in my personal opinion, if it was not a political body and they listened to the people home I personally think these bills would fly through. I really do. Because you know as I know that at election time you know what happens, I don't have to tell you. It's too bad. I think that in the long run because what we are doing, or what the educational block is doing, it is the children that are suffering, in my opinion.

SEN. KELLY: Sen. Brown, we are a political body. We are not listening to the people at home, are you suggesting we are listening to the educational block? Who are we listening to?

SEN. BROWN: I am suggesting, not only suggesting, I am saying because of the things that go on during a campaign and the threats and the intimidations that go on doesn't help the situation.

Sen. Brown moved the previous question.
Seconded by Sen. Monier.

Adopted.

Roll Call requested by Sen. Lessard.
Seconded by Sen. Splaine.

The following Senators voted yes: Lamontagne, Conley, Freese, Chandler, Wiggins, Monier, Stabile, Podles, Sanborn, Brown, and Roy.

The following Senators voted no: Hough, Blaisdell, Boyer, Kelly, Rice, Stephen, Champagne, Lessard, Preston, and Splaine.

Adopted. Ordered to third reading.

SB 249-FN, to require instruction in the productive free enterprise system as a prerequisite to high school graduation. Inexpedient to legislate. Sen. Kelly for the committee.

SEN. KELLY: While I recognize the intent of SB 249 and have some feeling for it, I am concerned when the Legislature begins to mandate curriculum. Today it may be your philosophy, tomorrow it may be someone else's. I also am concerned about the lack of funds or the amount of funds that would be necessary to provide teachers qualified to teach a good course in economics, and that is what we are talking about, economics. I have no question that I would like people to be better versed in the different theories of economic practice. I run a small business and I didn't get any of that knowledge when I was in high school, I had to go to college to gain some of it and even then most of the knowledge I have acquired in running my business I got in the school of hard knocks after I got into the business. But I do question when the Legislature begins to mandate curriculum. Today it is free enterprise and what will it be tomorrow.

SEN. BLAISDELL: If this bill passes does this mandate back to my school district that they must, without any consideration from my school district, the people that are on the checklist in my area, does this mandate back to that school district that they must have this course in the high school?

SEN. KELLY: That is my understanding.

SEN. BLAISDELL: Is there a cost for this Sen. Kelly? Can you evaluate the cost, what it is going to cost my school district to put in another program that this state, the Senate, the House of Representatives, is mandating back to my district?

SEN. KELLY: I can't give you a dollar figure but I would be willing to bet it would be considerable because your school would then have to have teachers with a degree in economics and they are going to have to be tested now to make sure they are good economists.

SEN. BLAISDELL: Again speaking to the costs of mandating this curriculum back to Supervisory Union 29, do you remember the bill that we passed yesterday, SB 273, it says that if you mandate a cost back to the districts with-

out, and all of us voted for it by the way and Senators in this room had their name on the bill, does that mean that my district can say no to this Senate and to this House, if the cost is mandated back to me if we passed SB 273 yesterday?

SEN. KELLY: It should mean that. I think we would have bills in conflict here or laws very much in conflict.

SEN. BLAISDELL: Can you envision any court cases at all on this if my district or your district or any one of the districts refused this?

SEN. KELLY: I would think because of our system in New Hampshire of funding education there would have to some.

SEN. CHANDLER: Sen. Kelly, aren't there already in the RSA's a mandate that schools shall give instruction on New Hampshire history?

SEN. KELLY: I believe there are.

SEN. CHANDLER: If they are required to give instruction on New Hampshire history, what is wrong with it requiring to give instruction into the free enterprise system?

SEN. KELLY: What is to prevent us in the future from mandating that we teach socialism?

SEN. CHANDLER: We do.

SEN. FREESE: Isn't it so, Sen. Kelly, that our school system in New Hampshire there are many courses taught that are not mandated? And isn't it true that the districts pay the money for some of the courses that are not mandated and can be replaced with teaching the free enterprise system?

SEN. KELLY: That is true but it probably ought to be left up to the local school board to decide what they feel the needs are in their community.

SEN. FREESE: Well, if there aren't any finances to it I think that there is only one way to get the educational system back to where it used to be in the '30s and '40s. It has deteriorated, there are records everywhere, *U.S. News and World Report*, *Newsweek*, the papers. The general education system has deteriorated and we just don't get the subjects covered that we used to get covered or the competency that we used to have.

Sen. Wiggins moved that "interim study" be substituted for "inexpedient to legislate."

SEN. WIGGINS: When I was one of the Directors of Business and Industry we donated a lot of money to get a course made up suitable for the junior high schools. We went to the Commissioner of Education, who was Noel Paire at that time, and got his blessings to get some of the teachers, and we gave them free instructions on it, and we presented this course to all the junior high schools that would accept it. At that time 40% of the state's junior high schools were using it, but since then most of it has fallen by the wayside. I think this needs studying. We put a lot of money into it, the industry has and we seem to have so many people ignorant of the economic system at this time that it needs to be studied to see how we can place a course in economics into our high schools, or junior high schools. It doesn't matter, either one will do. I move that the Senate vote for interim study on this and we don't have any more debate.

Sen. Monier moved previous question.
Adopted.

Adopted. Referred to Interim Study.

SB 271-FN, legalizing the meeting of the Monadnock regional school district held March 7, 1981. Ought to pass. Sen. Blaisdell for the committee.

SEN. BLAISDELL: I hope Arthur Mann is having a good time in Florida, this is his school district. This really legalizes the meeting that the Monadnock school district had and the reason that they asked for the legalization bill is because when the motion was put, if you look on page 1 of the bill on the very bottom, for the purpose of insulating and reroofing the Monadnock Regional High School. That's what they said, they forgot to say under the Municipal Finance Act and I'm sure that bond council still would have passed it but they want to be sure that it is clear so that there is no problem whatsoever, so we put in the bill, Sen. Mann and I, to make this a legalization meeting of the Monadnock Regional School District. I hope we pass it.

SEN. HOUGH: If I would like to communicate something to Sen. Mann, would I vote no?

SEN. BLAISDELL: I already did.

Adopted. Ordered to third reading.

SB 280-FN, establishing a voucher plan for private school students. Inexpedient to legislate. Sen. Kelly for the committee.

SEN. KELLY: The committee met to receive testimony on SB 280-FN, and it received virtually none. None in favor. We were told of expensive costs of this program. There was just no enthusiasm for it and we recommended inexpedient to legislate.

SEN. SANBORN: I was just wondering who testified in opposition to this bill?

SEN. KELLY: The Commissioner was there for all of these bills and he did speak in opposition.

SEN. SANBORN: I would like a copy of that testimony.

Adopted.

SB 265-FN, relative to the New Hampshire incentive program. Ought to pass. Sen. Lessard for the committee.

SEN. LESSARD: The current New Hampshire Incentive Aid program does not allow for grants and loans to be portable to other states, which has been fine with the limited amount of money, but we are finding that there is a tremendous amount of money that comes in to New Hampshire from these very states that we are denying our students going to, that are coming to New Hampshire. These other states are saying, New Hampshire if you don't start allowing your students to take their grants from New Hampshire, we are going to start denying you our students taking their grants to your state. Believe me, the amount of money that the students bring to New Hampshire outweighs the amount that would be leaving. So under this bill we are allowing reciprocity with other states so that New Hampshire students going can take their grants and aid and students will continue to bring their grants from Rhode Island, Connecticut, to New Hampshire. The committee hopes you will vote ought to pass.

Adopted. Ordered to third reading.

SB 266-FN, establishing a fire standards and training commission for the administration of the fire service training and research program. Ought to pass. Sen. Lessard for the committee.

SEN. LESSARD: This bill, SB 266-FN, establishes a fire standards and training commission for the certification of fire fighters in our state. If you will notice the fiscal note, there is no additional funds in this, it groups together many divergent programs and puts them under one roof. There was a tremendous amount of support for this bill and we ask that you vote ought to pass.

Adopted. Ordered to third reading.

SB 311, relative to corporal punishment in the school. Inexpedient to legislate. Sen. Kelly for the committee.

SEN. KELLY: I rise in opposition to SB 311. As a teacher who has spent some time in the classroom I hope you won't send me back to a daily battle, to a fist fight. At one point in time when this bill was introduced it was comically labeled "Belt the Brat". I think it would come down to belt the teacher. It seems strange to me that this body which seems to mistrust its teachers and not have much faith in them now wants to give them the power to exercise corporal punishment. It has been suggested that the bill could have been amended or still could be, calling for parental permission. I can tell you as a teacher that the ones that would give the permission are the kids who wouldn't need it. I can also tell you as a teacher that I know members who would misuse that kind of authority and that kind of power. Because of the very problem that perhaps brought this bill up, the frustration in the school, it would be misused. Cases have been cited of teachers being taken to court. That proves that what is on the books now, works. That's what it is all about, if a teacher gets out of line, recourse can happen, they can go to court and battle this out. During the testimony, the case in Nashua, it was pointed out, it is a disturbing case, but the teacher won out in the end. I think it all goes back to reacting to this frustration that we feel in the education community and to me it can lead to an extremely dangerous situation

where we teach by force. You will learn what we tell you to learn and you will be quiet and listen to what we are learning or physical force will be implied. I can tell you the reaction by young people today will produce TV programs. I can only ask you to vote inexpedient to legislate.

SEN. MONIER: I have to rise in opposition to the committee report. At the same time I am not going to try to overturn the committee report because I feel very strongly that this is something each Senator ought to decide on himself. I am going to ask for a roll call, however. I don't care if I stand all alone. The answer is very simple and I was going to ask Sen. Kelly but if he wishes to speak a second time he can do it. I'd like to know exactly how many people offered any solution to the problems that exist in our public schools. Everyone wants to take a pick at us because we suggest corporal punishment. You know, most of us here are from a different generation that what is now in the public schools. I have just been talking with a few Senators myself and I can remember that in a public school I came home one day, and I've told this story before but I think it ought to be told again, and I complained to my father because the teacher had rapped me. He wanted to know what I did and I told him. He said, well how hard did she hit you. I said, once. He said how hard. I said, about twice. He said well bend over and I got about six. I never went back and complained again. I didn't sass the teacher again. I didn't go into class and use abusive derisive gestures to her or anything else. I learned my lesson. This publicized bill is badly needed, as far as I'm concerned, to clarify the existing law and to establish guidelines concerning when and how corporal punishment may be used in the educational process. I have never claimed that it is the only solution, just claimed it was time we took some solutions. You already have on the books and in the law clearly states that a teacher is justified in using necessary force when a minor creates a disturbance or refuses to leave the premises or when it is necessary for the maintenance of discipline. What we need is guidelines on how to implement this so as to protect those teachers from those so-called parents who seem to feel that the end of their whole responsibility, the job, is when they put them on a school bus and they don't see them again until 4:00. But don't touch him, don't do anything to raise him, don't tell him what is right

or wrong, just take care of him for me. The only people that have testified against this bill are members of the education community again. They testified that surveys show that lack of discipline is the single biggest problem facing the public schools. They stated that corporal punishment would not solve the problem. And they went so far as to suggest that it could be solved by workshops and codes of discipline. For your information I don't know any high school or elementary school that doesn't have codes of discipline now. If it can be solved that way why in heavens name isn't it solving it? It was pointed out that Manchester, and I state this very, very clearly and I do it hating to take up the time, that the truth of the matter is for some reason or other it is a big joke to a lot of people. It is a joke to some of the news media. It is no joke to me. I pay for those schools with taxes, so do you. My students went through it. I'll tell you one thing, they got belted more than once, if they were out of line. And while other people may raise them a different way I raised them that way. They minded, they learned some values, they learned that when an elder spoke they kept quiet. That may not be values that the press or you people think are correct. It certainly is not values that the school students think are correct and it seemingly is not values that the educational system thinks are correct. Fine, then how do they solve the problems. Vandalism is increasing. Truantism is increasing. Drug use is increasing. Alcoholism is increasing. Educational achievement is decreasing. Let them come up with a solution and stop telling us that when we suggest something it is foolish, or it is wrong. They admit, and I state it again, they testified that discipline is the single biggest problem. If they haven't got the guts to offer a solution then keep still when somebody does. It is as simple as that. All I ask is that all of us get on record. I don't particularly care how we vote on it, to be frank with you. I just feel very strongly that sometime, someplace, the Legislature, since the Education Association doesn't seemingly want to do it, has got to say that guidelines can be and shall be established for the use of maintaining discipline. If they think that is terrible, fine, they can think so. I don't think it is terrible and I hope that some of the rest of you express the same viewpoint.

SEN. SANBORN: Do I remember back about the time that this bill was first having publicity on it, that there were

some problems in Manchester relative to the high school vandalism and so forth?

SEN. MONIER: There have been attacks in this state on teachers, nurses. There have been people who steal teachers' cars. There are abusive phone calls that are made. They use obscene gestures. They have been caught out in the streets drinking and using drugs. You can't throw them out of school. One person who was on suspension and made an attack on another teacher. We've got damn fool parents who sue the teachers instead of belting their kid.

SEN. SANBORN: Where in this bill does it say that this is mandatory? The only thing I can see is that it says that school boards may, unless otherwise provided by statute or state rule, adopt regulations for the attendance and so forth.

SEN. MONIER: There is nothing in the bill that says that somebody must use corporal punishment. The bill says they may and it says the school board shall be involved in established guidelines so that if they do wish to use it they will then have guidelines within which to use it. All the rest of it is a figment of the imagination of those who don't want to admit that there is a problem existing or those that want to make a joke out of it. It makes no difference.

Sen. Blaisdell moved the previous question.

Seconded by Sen. Monier.

Adopted.

Roll Call requested by Sen. Monier.

Seconded by Sen. Splaine.

The following Senators voted yes: Hough, Bergeron, Blaisdell, Boyer, Kelly, Rice, Champagne, Lessard, Roy, Preston, and Splaine.

The following Senators voted no: Conley, Freese, Chandler, Wiggins, Monier, Stabile, Podles, Sanborn, Stephen, and Brown.

11 yeas 10 nays

Adopted.

Sen. Monier in the Chair.

CACR 13, relating to the right to counsel. Providing that absent a knowing and intelligent waiver, no person may be imprisoned for any offense unless represented by counsel at trial. Ought to pass. Sen. Chandler for the committee.

SEN. CHANDLER: This proposed constitutional amendment would require the state to provide counsel for any prisoner who is facing a prison term. That is conformity with the Federal Constitution. The committee held a hearing on it and the vote was unanimous that it ought to pass.

SEN. FREESE: The purpose of this constitutional amendment is to amend our Constitution so that we do what is required under the Federal Constitution and not one bit more. The New Hampshire requirement for the appointment of counsel is somewhat broader than the Federal Constitution. Cases brought under the Federal Constitution have held that absent a knowing and intelligent waiver, no person may be imprisoned for any offense whether classified as a felony, misdemeanor, or petty, unless he was represented by counsel. *Argusinger vs. Hamlin*, U.S. 25, 1972, "thus a conviction would not be set aside under the Federal Constitution where the defendant was not imprisoned, even though the conviction was for a felony or misdemeanor." On the other hand the New Hampshire Constitution has been held to require the appointment of counsel, unless waived, in all cases where there is a potential of imprisonment. *State vs. Clough*, 115 N.H. 7, 1975, "Thus any conviction of a person for a felony or misdemeanor will be set aside in New Hampshire whether or not imprisonment is imposed, unless the defendant was represented by counsel, or unless he knowingly and intelligently waived counsel." The effect of the New Hampshire requirement has been to expand the use of appointed counsel. Most offenses brought in the district and municipal courts with the exception of traffic violations, constitute misdemeanors, therefore in most cases, the defendants are entitled to counsel. Further, since many defendants are unemployed or have low-paying jobs, many are entitled to appointed counsel and exercise constitutional rights. The result has been an ever-increasing number of defendants to receive the services of appointed counsel. In FY 1979, \$172,143 was paid to appointed counsel for defense of misdemeanor charges. We were unable to find any statistics to indicate how many people convicted are actually sentenced to jail, however, the district court clerk

with whom we spoke indicated that almost no one is sentenced to jail at that level. In the opinion of the Superior Court clerks with whom we spoke, not more than 25% of the convicted felons are jailed. Thus narrowing the constitutional requirement of the appointment of counsel, the Argussinger standard could result in a considerable cost saving if judges actually made the pre-trial evaluation contemplated in this situation. The question that will go before the voters of this constitutional amendment if adopted is as follows: Are you in favor of amending the Constitution to require that a criminal defendant who cannot afford to hire an attorney, be provided one at the state's expense only as a condition to his imprisonment, rather than in every criminal case where he faces the mere potential of imprisonment.

Division Vote
18 yeas 2 nays

Adopted. Ordered to third reading.

CACR 14, relating to the provision of counsel to indigent defendants at state expense. Providing that the general court establish the rate of payment for state appointed counsel. Ought to pass. Sen. Splaine for the committee.

SEN. SPLAINE: This one is okay. It was co-sponsored by Sens. Monier, Sanborn, Freese, Roy and Wiggins, and supported unanimously by the Senate Judiciary Committee. I think that it has a couple of valid points. This legislation, a constitutional amendment, would allow for the Legislature, through the normal legislative process, to be able to set the amount of money which we would be paying for lawyers under the indigent defenders program rather than allow the courts to do so. It seems to me, and members of the committee, that at least this sets it up a little more in the hands of those who are most directly responsible for putting the budget together. And, the question has a lot of validity too. It doesn't confuse the matter at all and I think it is going to be one of the clearest constitutional amendment questions we've put to the voters in a long time. It says simply, and this is exactly what the legislation does: "Are you in favor of amending the Constitution to allow the Legislature to limit the rate of pay received by lawyers representing

criminal defenders unable to pay their own legal fees, rather than allowing the courts to establish such legal fees when taxpayers funds are involved." That is the thrust of the constitutional amendment and we urge you to vote yes.

SEN. ROY: I would like to commend the Judiciary Committee for the unanimous support of CACR 14. We do feel very strongly that if the Legislature must raise the taxes to pay for the programs, it should have the ability to effectively control and administer these costs. If they must pay the bills the least we can do is let the taxpayers vote on whether they want the Legislature to control the costs or let the lawyers set their own legal fees, when taxpayer funds are involved.

Division Vote
20 yeas 0 nays

Adopted. Ordered to third reading.

SUSPENSION OF RULES

Sen. Brown moved that the rules of the Senate be so far suspended as to allow CACR 13 and CACR 14 to be placed on third reading and final passage at the present time.

Adopted. 2/3 vote.

Third Reading and Final Passage

CACR 13, relating to the right to counsel. Providing that absent a knowing and intelligent waiver, no person may be imprisoned for any offense unless represented by counsel at trial. Ought to pass. Sen. Chandler for the committee.

Division:
19 yeas 2 nays

Adopted.

CACR 14, relating to the provision of counsel to indigent defendants at state expense. Providing that the general court establish the rate of payment for state appointed counsel. Ought to pass. Sen. Splaine for the committee.

Division:
21 yeas 0 nays

Adopted.

COMMITTEE REPORTS

SJR 3, establishing the small business development program of the University System of New Hampshire as the coordinating agency of educational activities directed towards assisting and encouraging the expansion of the small business sector of the economy of the state of New Hampshire and for all purposes and making an appropriation therefor. Ought to pass. Sen. Blaisdell for the committee.

SEN. BLAISDELL: SJR 3 just continues a program that we put in in the last session of the Legislature. It establishes a small business development program in the University system. I would like to add that, this was not given in testimony before the Education Committee, but Plymouth State College was honored for having one of the finest programs since we put this bill in. I realize that it has an appropriation on it and will have to go to Finance. I would hope that you would consider it, I think it is a fine program for the small business people in the state. They do an excellent job. I ask passage of this particular piece of legislation.

Referred to Finance.

SB 289, providing for the purchase of a state liquor store on Coliseum Avenue in Nashua and making an appropriation therefor. Without Recommendation. Sen. Brown for the committee.

Sen. Brown moved the words "ought to pass" be substituted for the word "without recommendation."

SEN. BROWN: We had quite a hearing on this. Quite a few people came in in support of the bill. There wasn't anyone against the bill. The Liquor Commission estimates that there will be a \$10 million a year gross business. The location, they claim, is ideal and so forth. We didn't come out with an ought to pass report to begin with because we found that there may be a problem with the lease. It is going to be referred to Finance so I am asking you to pass it, refer it to Finance and let the Finance Committee check that out. I move ought to pass.

Adopted.

Adopted. Referred to Finance.

SB 157, renaming the New Hampshire Vocational Technical College at Portsmouth. Ought to pass with amendment. Sen. Lessard for the committee.

SEN. LESSARD: Essentially what the bill does is name the school that will be built over at the Seacoast, after Governor Wesley Powell. What the amendment does is it changes it from naming the school, which is not generally done, to naming of the building. So the building will be named after the former governor and not the school.

SEN. SANBORN: I think that the Committee did a fairly good job on the amendment and I appreciate it, except for one little thing, and I hope that we can get this corrected when we get it over to the House. The amendment as it is printed in the book says Vo-Tech College at Portsmouth, that was changed two years ago to the Seacoast Vocational-Technical College, and accordingly that change can be made in the House with no problem.

Amendment to SB 157

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

 naming the building at the New Hampshire
 Vocational-Technical College at Portsmouth
 for Governor Wesley Powell.

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Building Named. The building housing the New Hampshire Vocational-Technical College at Portsmouth is hereby named the Governor Wesley Powell Building and shall be so known.

Amendment adopted. Ordered to third reading.

SB 167, extending the degree granting authority of Daniel Webster College. Ought to pass with amendment. Sen. Lessard for the committee.

SEN. LESSARD: Under SB 167 it extends the degree granting authority of Daniel Webster College in the area of computer systems. I have to be honest with you about this bill. This bill is one of the reasons that we were offering the earlier bill, SB 179, because the program is being put together now but they cannot find at the present time a committee who will review it. We have assurances from the Post Secondary Education Commission that they will before the Legislature leaves and the House will take the report in joint meeting with Senate Education. The amendment corrects a drafting problem and I call upon you to join with me in supporting this bill and amendment.

Amendment to SB 167

Amend section 1 of the bill by striking out same and inserting in place thereof the following:

1 Authority Extended. Amend 1967, 511:1 as amended by 1969, 555:1; 1971, 197:1; 1973, 73:3; 1975, 159:1; 1978, 18:5 and 1979, 461:1 by striking out said section and inserting in place thereof the following:

511:1 Daniel Webster College. Daniel Webster College, formerly New England Aeronautical Institute, an educational institution, is hereby authorized to grant the degrees of associate in arts, associate in science, and bachelor of science in aviation, in computer systems, and in business until June 30, 1983, subject to the continuing approval of the postsecondary education commission. Authority to grant the degree in computer science is contingent on initial approval by the postsecondary education commission.

Amendment adopted. Ordered to third reading.

SB 186-FN, establishing the New Hampshire constitution bicentennial education commission and making an appropriation therefor. Ought to pass with amendment. Sen. Blaisdell for the committee.

SEN. BLAISDELL: The bill establishes a commission to prepare and distribute appropriate materials to the schools in the state to ensure a fitting commemoration of the two hundredth anniversary of the Constitution of the State of New Hampshire. It is Sen. Wiggins' bill and Rep. Joe Eaton's. We had testimony in the committee from Justice Douglas. You will note that there is an amendment to it. Rep. Joe Eaton asked if we would take the \$20 thousand appropriation off it and send it over to the House. We concurred with Rep. Eaton and also with Sen. Wiggins. We hope you will pass the bill, it is an excellent thing.

Amendment to SB 186-FN

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

establishing the New Hampshire constitution
bicentennial education commission.

Amend the bill by striking out section 8 and renumbering section 9 to read as 8.

Amendment adopted. Ordered to third reading.

SB 284-FN, to permit the issuance of liquor licenses to college clubs. Ought to pass with amendment. Sen. Blaisdell for the committee.

SEN. BLAISDELL: SB 284 allows colleges and universities to attain club licenses for the sale of liquor by the glass only to members and their guests. This was requested by the Liquor Commission, okayed by the Liquor Commission. Bill Tassey came in and spoke to it. The amendment addresses the Rosenberg Center over in East Kingston. Some of you are familiar with the Wilrose Farm that Bill Rosenberg gave to the University. It allows them to do just exactly what Franklin Pierce, President Franklin Pierce came in and spoke to this bill, it allows them to do the same thing as Franklin Pierce or Keene State. The Liquor Commission felt, Bill Tassey

felt, that this would be a good regulatory way of controlling the pubs in the schools and says that we should pass this bill, and I agree. I hope you support it.

Amendment to SB 284-FN

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

to permit the issuance of liquor licenses to
college clubs and the Wilrose Farms.

Amend the bill by striking out all after section 1 and inserting in place thereof the following:

2 Wilrose Farms. Notwithstanding the definition in RSA 181:1, XII, the Wilrose Farms in Kingston, New Hampshire shall be considered a convention center for the purposes of applying for and receiving a special license under RSA 178:5-f for the sale of liquor and beverages on the premises.

3 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted. Ordered to third reading.

Sen. Conley moved that SB 18 be removed from the table.
Adopted.

SB 18, ensuring official representative of the state and United States armed services access to high school and college campuses. Ought to pass. Sen. Conley for the committee.

SEN. CONLEY: As you will recall this bill has to do with insuring official representatives of the state and the United States' Armed Services access to high school and college campuses. This bill had a full and good hearing. No one appeared in opposition. We had appearing for the bill Rep. Boucher, head of the House Education Committee, Rep. King, Rep. Levesque, and Lila Chase from the University of New Hampshire. As you all know there has been much communication

and much correspondence passing pro and con on this particular legislation and while in a moment I will defer to my colleague Sen. Sanborn, I would like to initiate some consideration on a particular issue involved in this legislation. There has been a great deal of discussion and confusion with regard to the school districts and in our state of providing the recruiting people with necessary information to conduct their affairs. And in part, prior to the problem, has been centered around the privacy act whereby certain information has been requested by recruiting people and it has not been provided. To get us off and started on this particular thing I would like to read one little section, the public law regarding this issue of the privacy act. There is help available in gaining access to high school and student directory information. This help is incorporated in public law 96-342 and fiscal year 1981 DOD Authorization Act. Public law 96-342 specifies: "It is the sense of Congress" and then goes on to say in one section, "the secondary educational institutions of the United States, the Commonwealth of Puerto Rico, and the territories of the United States, should cooperate with the armed forces by allowing recruiting personnel access to such institutions; and, that it is appropriate for such institutions to release to the armed forces information regarding students at such institutions, including such data as names, addresses, and education levels, which is relevant to recruiting individuals for the armed forces of the United States." That basically is the law that seems to have confused some people. We do have some further information from our friend, Robert Brunnelle, Commissioner of Education. There is a list of the schools which do not release lists and they are as follows: Kennett, Oyster River, Portsmouth, Spaulding, Farmington, Kingston, Newt, Moultonborough, Berlin, Gorham, Pittsburg, Colebrook, White Mountains Regional, Pittsfield, Hopkinton, Merrimack Valley, Concord, Keene, Thayer, Hinsdale, Con-Val, Fall Mountain, Alton Central, Goffstown, Henniker, Hillsborough, Deering, Epping, Raymond, Coe-Brown, Weare, Messenic Regional, Wilton-Lymeboro, Sanborn, Timberlane, Hanover, Stephens, Kearsarge. Schools which restrict presentations: Berlin. So we have in effect a list from Commissioner Brunnelle indicating that there is resistance in the State of New Hampshire to providing information and access to the recruiting services to the information needed

for the recruitment of these young people. I read again from a part of a letter from Captain James A. McIntyre, from the Navy Recruiting Substation in Manchester, which reads in part: "As previously discussed the privacy act has been mistakenly perceived by many school boards as prohibitive to the release of student directory information and access to their schools by our armed services recruiters. This situation has made the job of recruiting for our armed services very difficult during a critical period of our nation. It has also denied to our New Hampshire students knowledge of the multitude of educational and occupational programs that are offered by our military services." In a letter from the New Hampshire Chapter of the Retired Officers Association there is a paragraph which states, in a letter addressed to me: "Senator Sanborn has a list of the schools that have restricted access by military recruiters to lists of senior students and their addresses. These schools can no longer cite freedom of information as a reason for restricting access to military recruiters because the 1981 Defense Department Authorization specifically states that providing this information to the military does not violate that act." Sen. Sanborn has that information. So without further comment by myself I will yield to my colleague, Sen. Sanborn.

SEN. SANBORN: I'm not going to prolong this a bit. I have just handed out a little packet here. The very top article is from Henry W. Monroe who is Executive Director of the New Hampshire Colleges and Universities Council, which embraces all the colleges and universities in the State of New Hampshire. You can see very plainly that they have no objection whatsoever to this bill. Basically all this bill does is where public money is used that the recruiters will have the same access as private industry. That is all the bill does.

SEN. BLAISDELL: I guess since I've been the villain on this and it has been said by the Union Leader that I should be ridden out of the state on rails, etc. I have no problem with recruiters getting into the schools. In my area we allow them to come in. I just wonder when Mr. Monroe sent this letter to you, why the bill. He says all of the colleges provide equal access to students by military recruiters. So why do we have to mandate it?

SEN. SANBORN: Senator, you will notice that that says colleges and universities. If you read the bill it goes to the senior class in high school. That is the problem.

SEN. BLAISDELL: How many schools bar recruiters from their school?

SEN. SANBORN: Believe it or not, since this bill has been in they are all dropping off the list very fast. There was a list. We had a list but they are scared that this bill is going to pass and where they are taking the public money they are going to have to allow them in like they do with private industry. And if this is the way we have to do it, by introducing a bill and scare these educational people, then perhaps we had better get it into law.

SEN. BLAISDELL: If it is Berlin then why not do something to Berlin? My area, Keene, has plenty of access to the recruiters. They said access to information, access to information, that's all.

SEN. SANBORN: That is required under federal law.

SEN. BLAISDELL: I guess I am portrayed as the villain again. I have no opposition whatsoever to recruiters going into the high schools. I think they do an excellent job. It says "Live Free or Die" in this state and I want you to live free, I want everybody to live free, but I hate to see all the mandates that we are sending back. Especiall to my district, if it is your district you are responsible for that. But I think I speak for mine. My father was gassed, wounded, and shell shocked in World War I. He died at a very young age, at 45, because he was in the war. I served in the United States Navy and I was very proud to serve in it. If anyone is patriotic in this room, it is me. I'm as patriotic as you can imagine. I love this country. But I am going to stand up for my area again and say we don't need it. We are capable of taking care of our own problems. I just object to it on that basis. You do what you want for your own school districts and I'm going to vote for mine.

SEN. CONLEY: Fellow patriot, I would like to ask you this one question. Why is Keene school system on this list that does not release information to the recruiting people as prescribed by the federal statute?

SEN. BLAISDELL: I can't give you that answer Sen. Conley. There are a lot of schools that do that. Maybe they don't feel it is even a problem. I talked to our Superintendent, I talked to our school board members, they feel it is no problem in our district.

SEN. CONLEY: Would you believe that the recruiters figure it is a problem?

SEN. BLAISDELL: I would have to take issue with that in my area, Senator, because the recruiters have not come to me, they have no spoken to me about it. They did read that I should be ridden out of state on a rail. I think there was a man in Manchester who wrote to me and said that I was not deserving of being a Senator and I should be ridden out of state on a rail. I wrote him a letter, very nice to him. He wrote me back and said thank you Senator for explaining the bill, he was very nice. He said I understand it now and you can stay here.

SEN. CONLEY: Would you believe that I think you ought to stay here too, Senator?

SEN. BLAISDELL: I'll give you chocolates for that.

Adopted. Ordered to third reading.

ENROLLED BILLS REPORT

HB 80, an act authorizing the executive director with the consent of the commission to control the seasons, methods of taking, sex limitations and other conditions relative to wild deer.

Sen. Lamontagne for the committee.

COMMITTEE REPORTS

Sen. Lessard moved that SB 179 be removed from the table.
Adopted.

Sen. Lessard moved to noncurr with the committee amendment to SB 179.

SEN. LESSARD: The following situation is such that the first thing that we would have to do is vote down the committee amendment, which is the first before us. Then we will have a new amendment that I think satisfies all parties concerned dealing with the problem. So the first thing I would ask you to do is vote no on the committee amendment and then I will be proposing the amendment that is before you.

Adopted.

Sen. Lessard moved a floor amendment.

SEN. LESSARD: The amendment that is before us would still have the Legislature have the final approval over the granting of degrees. We give up nothing. But during the interim, during the 18 months that the Legislature is out of session, the Postsecondary Education could grant degrees or continue them subject to the certification biennially by the Legislature. The Postsecondary Education Commission would have to come in by January 31st when we are in session for the certification by the Legislature. It would eliminate the twelve bills that we deal with now, we would only have one bill. I think it would clean up the situation. I urge you to vote yes on the floor amendment that is before you right now.

Floor Amendment to SB 179

Amend RSA 292:8-h as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

292:8-h Granting of Degrees.

I. No educational institution within the state shall grant degrees unless authorized by an act of the legislature to do so. Each authorization shall be for a specific institution, for a set term of years. This limitation shall not apply to any institution now granting degrees which has been in continuous operation since 1775 and any institution under the university system of New Hampshire.

II. The postsecondary education commission shall specify the degrees an institution may grant, and the commission may renew, for a set term of years, degree granting authority granted by the legislature. The commission's actions shall be subject to biennial certification by the legislature. The commission shall report its action by January 31 of each odd-numbered year to both the house and senate standing committees on education.

III. An institution authorized to grant baccalaureate or graduate degrees shall have the authority to give customary honorary recognition to outstanding individuals for noteworthy achievement. If an institution desires to change its name legally, it shall require the approval of the commission, which shall report such action to the general court.

Amendment adopted. Ordered to third reading.

Sen. Bergeron in the Chair.

Sen. Brown moved that SB 153 be taken from the table.
Adopted.

Sen. Brown moved the words "ought to pass" be substituted for the words "interim study."

SEN. BROWN: I laid this on the table yesterday for the simple reason that we were afraid that some people might suffer financially from it. What the bill does, it is under the Municipal Finance Act in relative to callable bonds by municipalities. Meaning that if they can get a cheaper rate of interest they can call back the bonds that are outstanding, re-issue, pay off any debts, interest and so forth that has been accrued. That is what this bill does. As I said our committee was afraid that those who had long term bonds and had them for investments for future years might suffer financially. The State Treasurer assured me that that is not so and I have two other letters from Rath, our past Attorney General who stated that is not so, and also from the City Manager of Concord. It is not so because those who are not worded in the bonds or says they can be called on a future date, unless it is worded in there that it can be they will not be called back.

SEN. RICE: I would like to thank Sen. Brown for extending me the courtesy and I would hope that everyone would support his motion of ought to pass.

Adopted. Ordered to third reading.

SB 201-FN, increasing the oil transfer fee from \$.01 per barrel to \$.015 per barrel. Ought to pass. Sen. Freese for the committee.

SEN. FREESE: This bill simply increases the price for the per barrel shipments of oil into the state by ½ cent. It is going from 1 cent to 1½ cents. The money is deposited in the Water Supply and Pollution Control Commission for the oil pollution control fund. Bill Healy of the Water Supply and Pollution Control Commission testified that the funds

are inadequate and that he needs this ½ cent to do the job that he is expected and has to do. There were no objections and no testimony against the bill. The committee recommends it ought to pass.

Adopted. Ordered to third reading.

SB 132-FN, relative to a trapping education program. Ought to pass. Sen. Freese for the committee.

SEN. FREESE: This bill establishes a trapping education program in the Department of Fish and Game. The Humane Society and the Trappers' Association testified. There were no objections, no one testified but them. The committee recommends it ought to pass.

Adopted. Ordered to third reading.

SB 312, to increase the penalty for the murder of certain public officials. Inexpedient to legislate. Sen. Splaine for the committee.

SEN. SPLAINE: I make today's report of inexpedient to legislate for the majority of the members of the Judiciary Committee because I suppose I can see both sides of the issue. I see some valid arguments on both sides of the concept of capital punishment but I certainly don't believe that the reinstatement of capital punishment nor as SB 312 does, the reinstatement of partial capital punishment for those who may be convicted of killing certain individuals is a way to deter crime or to fight it. This bill makes the killing of the President of the United States, the President-elect, Vice President or the Vice President-elect, the Governor or Governor-elect of any state, any member or member-elect of the Congress of the United States, or in certain circumstances a candidate for any such office, a capital murder which may be punishable by death. Under present law of course such murders are punishable by life imprisonment in the State of New Hampshire. We had a lengthy public hearing on this issue and among those to testify was a representative of the Catholic church who pointed out that on religious grounds capital punishment for these crimes or any crimes, certainly not a

deterrent or a way to go. We just ought not, in this society of ours which has come from so long, since the creation of the United States, we ought not to go back to the days when we are talking about blood for blood. I strongly support the committee report of inexpedient to legislate on that basis. Certainly the benefits of SB 312 in deterring a crime against a politician among those listed, is certainly to be questionable. Those who have committed assassinations in the past have been ill people, insane people, sick people, people who are troubled, and they are not going to stop to consider the fact that they may in fact die themselves if they are caught or if they go ahead with committing the crime. The current penalties against the people listed are certainly severe enough and here in the State of New Hampshire I think we should put our liberties ahead of the desire to kill somebody or killing somebody. That is the crux of this issue and I don't see it's value as being on the statute books of New Hampshire.

Sen. Champagne moved the words "ought to pass" be substituted for the committee report of "inexpedient to legislate."

SEN. CHAMPAGNE: The committee split on this one on several occasions. We ended up as the Calendar indicates as inexpedient. As far as I am personally concerned you could call people who assassinate people sick all you want but it is time we try at least to put an end to that kind of nonsense. I ask your support for my motion.

SEN. CHANDLER: I support the motion by the honorable Chairman of our honorable committee. It was quite an interesting procedure, the voting on this piece of legislation was very interesting but I don't think I will go into the details of it. I feel that this is a step that should be taken, in fact in my opinion it didn't go far enough. I was ready to extend it to members of the State Senate and the House, and the public at large. I think that capital punishment should be restored. That was my feeling on it but the bill as it is is better than nothing.

SEN. MONIER: Since this is a bill that I introduced I would like to make a quick comment. If I am not mistaken I think that testimony showed that the Catholic church testified against capital punishment in general, not specifically on this piece of legislation. I think that we have come to the

point where, as I said when we introduced the bill and I will repeat it, that we have unfortunately seen that the threats of violence and the types of violence against public officials have led to a kind of contagious fever for this. I worry somewhat that we in New Hampshire, with our first in the nation primary, must do all we can to deter anyone from considering those actions in our state, including classifying political assassination as a capital crime. I think we have all witnessed enough unfortunately circumstances like this. I recognize that passage of this bill will not in itself stop assassinations by those who people are kindly saying are sick. I think they are complete nuts. The murder of public officials is punishable by life imprisonment without parole and I think we should have capital punishment added to that for the assassination of the officials as named.

SEN. BOYER: I rise in opposition to the motion, in all due respect to the honorable Chairman and the honorable Vice Chairman of the honorable Judiciary Committee. Sen. Monier is right that the representatives from the Catholic church spoke in opposition to the bill because they were generally in opposition to capital punishment. That is why I rise in opposition to the current motion. Not so much the bill but as to whether one believes in the effectiveness of capital punishment. As to this specific piece of legislation, I think it applies capital punishment to an area where it is least likely, if at all, to succeed. As history will indicate that the people who are bent on attempting to assassinate such public figures are, as President Monier indicates, nuts and they probably wouldn't have any respect for the fact that there is going to be capital punishment and if they did they probably wouldn't be executed anyway. Secondly, as long as you have capital punishment there will always be a chance, no matter how small, that an innocent person will be executed. With life sentences, without parole even, a person can always appeal that. I am not speaking to individuals like Manson, but there is always an individual, and there was a case in Georgia not too many years ago where a man was convicted, was on death row. Conviction was overturned, he was innocent because a police law enforcement person came forth and indicated and corroborated his testimony that indeed he was innocent, resulting in this individual's suicide. I feel that while we have nuts and people running around that may not have the same

morality that is expected by society, it is not justification for society to have the same disrespect for life. Indeed that is a personal feeling I have for capital punishment and I can't understand people's feelings on the other side of the issue.

SEN. SANBORN: You are on the Judiciary Committee, who else might have testified against that bill?

SEN. BOYER: The New Hampshire Civil Liberties Union had two spokesmen there. And the Catholic Church.

SEN. SANBORN: Thank you.

SEN. MONIER: I understand your concern for capital punishment, if I may say so. Would you believe also that there are innocent victims who get killed as well? It is not just the criminal that is in court that can possibly have a miscarriage of justice. I think it is a miscarriage of justice when anybody starts shooting into a crowd. I would like to take any deterrent we can, therefore this is not an argument over just capital punishment. Am I correct?

SEN. BOYER: That is correct, Sen. Monier. In answer to Sen. Monier's question I would like to correct a misstatement that I made. I made an overly broad statement that a representative from the Catholic church and in fact it was a representative of the Catholic Diocese.

Adopted. Ordered to third reading.

SB 208, making changes relative to publication of delinquency. Ought to pass. Sen. Lessard for the committee.

SEN. LESSARD: SB 208 is the publication bill that would provide for upon the conviction of a delinquent it would allow for the publishing or broadcasting of the delinquent's name, the act that he or she committed, and how the court dealt with the matter. The public today is cynical about our judicial system, especially in this one area because the victim of the crime is isolated from how the crime committed against him was disposed of. I am told by the Chief of Police in Dover that there was an act of vandalism that was done two houses away from where the juvenile lived. There was no way, apparently, to get the courts to have the vandal pay for the damages and the person had no means by which he could find out who had done it or how the court disposed of the case, how the juvenile was dealt with. We feel that it is very important

for the credibility of the system that this pass, and also to bring pressure to bear not only upon the juvenile but on the juvenile's parents.

SEN. MONIER: I'd like to rise in support of not only this bill but about three others here and I will make one statement on them and it may help us move along. Both SB 208, 206 and 207 and SB 53 are kind of a juvenile package that I compliment the Judiciary Committee on bringing out before the Senate. All of them are desperately needed. It has been a long struggle and a long battle but there has been absolutely no proof that the suppression of the names of juveniles and the indication that they should be protected for permissiveness and etc., has done one single thing to correct or to reduce vandalism and all of the other acts that we have. I want to stand proud in this Senate and say that this is the third time we have passed similar types of legislation and I hope that this time the House will listen to it loud and clear. All of these bills are an excellent packet. You should be able to go home and tell your constituents, each one of us, that we have managed once again to try and solve a problem instead of just making political hay. I compliment the committee and the Senators on this matter.

SEN. KELLY: I rise in support of this same packet. I will address the entire package as Sen. Monier did. My experience in the past three years at YDC of working with young people who are incarcerated for these types of acts has told me loud and clear that this kind of a package is apparently necessary. I can tell you that even those that are delinquent, that are trouble, care about their image. It is basic. It is a basic human thing. We like to be liked. Part of the reasons they get in trouble is because they are looking for recognition among their peers but they are not looking for recognition in the general public, that I couldn't handle things, that I got in trouble, that I stole, that I got involved and wound up on North River Road. It does count, I do believe it will help and go a long way. Some of these other bills will help set some guidelines. Young people, believe it or not, like some guidelines. Youth is an age of testing. They will go as far as you let them go, and then cry when they have gone too far. They like guidelines. This is another attempt to impose some of those guidelines and to help young people through some difficult years.

Adopted. Ordered to third reading.

SB 206-FN, making changes in the liability for expenses for a delinquent minor. Ought to pass. Sen. Boyer for the committee.

SEN. BOYER: This bill simply imposes liability for any expenses incurred in a delinquency charge ordered by the court on the parents and guardian or custodian of the particular minor. There is unanimous support from the committee on this, ought to pass.

Adopted. Ordered to third reading.

SB 207-FN, making changes in the disposition of a delinquent minor. Ought to pass. Sen. Boyer for the committee.

SEN. BOYER: This bill would require the court, as a mandatory proposition, that upon finding a minor delinquent to impose a fine on the minor of no more than \$500 and no less than \$10. The fine would be deposited in a fund to be administered by that local court. The fund would be used to pay any expenses that the parents or guardians could not pay for the child, such as medical treatment, counseling, etc. This bill also requires the court to order restitution for any damages caused by the minor's delinquency. The restitution would be a joint obligation of the minor and the parent. Presently we already have a law on the books that requires restitution in the category of vandalism. This expands restitution to all areas and all acts of delinquency. It came out unanimous ought to pass and we urge passage of the committee report.

Adopted. Ordered to third reading.

SB 53, to remove certain prohibitions against publication in cases where juveniles are charged with felonies. Ought to pass. Sen. Boyer for the committee.

SEN. BOYER: This bill is complemented by the bill earlier introduced, SB 208. It would allow the publication and broadcast of the name and address of the minor and his parents when such minor has been arrested for an offense which would

be a felony for an adult. Because of the seriousness of the matter, that being a felony, again this was reported out of committee ought to pass and we urge your support.

Adopted. Ordered to third reading.

SB 109, to require the filing of statements of justification for certain actions of state prosecutors in plea bargaining. Inexpedient to legislate. Sen. Chandler for the committee.

SEN. CHANDLER: The committee heard this bill and voted inexpedient to legislate.

Adopted.

SB 51, relative to insanity in criminal and civil proceedings. Ought to pass with amendment. Sen. Chandler for the committee.

SEN. CHANDLER: This is a bill that is sponsored by twelve Senators, SB 51. It makes changes in the criminal proceedings and civil proceedings relative to a plea for insanity. It is a bill that has a big analysis on it and it would take quite a while to read it. There were two amendments offered and we adopted two amendments, both included with the bill now. One would provide that the guilty but mentally ill persons receive psychiatric treatment at the state prison rather than at the state hospital, at such time as the prison has opened its new psychiatric unit. In the interim a person found guilty but mentally ill can be transferred to the division from the New Hampshire Hospital to the prison when the individual no longer requires in-patient psychiatric treatment. The second amendment is suggested by the office of the Clerk of the Superior Court and addresses the problem that sometimes occurs in cases where a defendant in a case where insanity is an issue, is unfit because of mental condition to stand trial, and will be at any time in the foreseeable future. The practical choice in such cases would be to proceed with civil and voluntary commitment proceedings in the probate court. Such a proceeding requires a duplication of the hearing that has already been heard before the Superior Court. The amendment gives the Superior Court jurisdiction to make the civil

commitment without having to duplicate the evidentiary process that has already taken place. The committee was unanimous in its vote.

SEN. MONIER: Once again we have tried for three sessions to pass this bill. Last session it was passed in the Senate, it went into the House and was put in interim study. This is the result of that interim study. The amendment is acceptable to the sponsors. I think that one of the things that we can do once again, is resolve a problem. I am rather proud that the Senate is attempting to resolve these problems. As you know we came in with a series of proposals for that. This particular one will resolve that loophole that exists in the law which does not protect our citizens from violent people and uses the law as a mockery in their release. I strongly urge its passage and adoption.

Amendment to SB 51

Amend RSA 135-B:25 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

135-B:26 Involuntary Treatment Criterion. A judge may order a person committed for in-patient treatment on an involuntary basis when he is satisfied that the person sought to be admitted for in-patient treatment on an involuntary basis is in such mental condition as a result of mental illness as to create a potentially serious likelihood of danger to himself or others.

Amend RSA 628:2, IX as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

IX. If a defendant is sentenced to the New Hampshire hospital under paragraph VIII, notwithstanding RSA 651:11-b he shall not be eligible for either escorted or unescorted on-grounds or off-grounds privileges until he has become eligible for parole. If the court, or the director of the division of mental health and developmental services upon consultation with the superintendent of the New Hampshire hospital, finds that the defendant, before completing his sentence, no longer needs or could benefit from treatment at the New Hampshire hos-

pital, he shall be transferred to, and complete his sentence at, the correctional facility to which he otherwise would have been initially sentenced. Such a defendant shall have credited toward his sentence the time served at the New Hampshire hospital.

Amend RSA 651:11-a, I as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

I. Orders of committal or transfers to the New Hampshire hospital made pursuant to this chapter shall be valid for 2 years only. For the order to be renewed, another judicial hearing must be held. At the renewal hearing, when the court is satisfied that the hospital patient suffers from mental disease, and that it would be dangerous for him to go at large, the court shall renew the order of committal or transfer.

Amend the bill by striking out all after section 3 and inserting in place thereof the following:

4 Incompetence to Stand Trial; Jurisdiction of Superior Court. Amend RSA 135-B by inserting after section 29 the following new section:

135-B:29-a Incompetence to Stand Trial; Jurisdiction of Superior Court. Whenever a justice of the superior court finds the defendant in any criminal case incompetent to stand trial within a reasonably foreseeable time, the superior court shall retain jurisdiction over the defendant for a further period of 10 days and until disposition of any petition filed under the authority of this section, notwithstanding any disposition which may be made of the complaint or indictment under which the defendant is charged, for the purpose of allowing counsel for the state or any responsible person to petition the superior court for involuntary civil admission of the defendant. Upon receipt of a petition for involuntary admission, a justice shall set a date for the hearing to be held within 10 days, not including Saturdays, Sundays and legal holidays, of the date of the receipt of the petition. The superior court shall have jurisdiction to make such order under such petition as the probate court would otherwise be authorized to make under this chapter. When ruling upon a petition for invol-

untary admission under this section, the court may consider evidence presented on the issue of competency to stand trial subject to the right of the petitioner for commitment and of the defendant to recall any witness.

5 State Prison Psychiatric Unit. The following paragraph shall take effect upon the certification of the warden of the state prison to the secretary of state that the psychiatric unit of the state prison is completed and in operation:

I. Amend RSA 628:2 by inserting after paragraph VIII the following new paragraph:

VIII-a If a defendant is found guilty but mentally ill, he shall, before being sentenced, be entitled to a hearing on whether or not he is at that time suffering from a mental disease or defect. At such hearing, the defendant shall have the burden of proving, by a preponderance of the evidence, that he is then suffering from a mental disease or defect which requires in-patient psychiatric treatment. If he is so suffering, he shall be sentenced to the psychiatric unit of the state prison for treatment; otherwise he shall be sentenced in accordance with paragraph VII.

II. Amend RSA 628:2 by inserting after paragraph IX the following new paragraph:

IX-a. If the court finds that a defendant, before completing his sentence, no longer needs or could benefit from treatment at the psychiatric unit of the state prison, he shall be transferred to, and complete his sentence at, the correctional facility to which he otherwise would have been initially sentenced. Such a defendant shall have credited toward his sentence the time served at the psychiatric unit of the state prison.

III. Amend RSA 628:2 by inserting after paragraph X the following new paragraph:

X-a. For purposes of temporary release or parole, a person found guilty but mentally ill and sentenced to the psychiatric unit of the state prison shall be deemed an inmate of the penal or correctional facility to which he could have been originally sentenced.

6 Repeal. The following paragraphs shall be repealed upon the certification of the warden of the state prison to the secretary of state that the psychiatric unit of the state prison is completed and in question:

I. RSA 628:2, VIII relative to sentencing of the guilty but mentally ill;

II. RSA 628:2, IX relative to sentencing to the New Hampshire hospital; and

III. RSA 628:2, X relative to temporary release and parole of persons found guilty but mentally ill.

7 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted. Ordered to third reading.

SB 258-FN, relative to jury selection and service. Ought to pass with amendment. Sen. Champagne for the committee

SEN. CHAMPAGNE: This bill revamps the jury selection system in New Hampshire. Our current jury selection system was stricken by the Supreme Court in a decision in January. The testimony leading to that decision was from selected various officials who said that they put their friends and people they know on the jury and that the jury does not represent a cross-section of New Hampshire people. What this bill does is it forces a random sampling in picking juries. Juries are picked from voter checklist and also from inventory forms filed with the various towns. We have got to do something about this problem. I think the bill takes care of the problem. We urge your support.

Amendment to SB 258-FN

Amend RSA 500-A:2 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

500-A:2 Preparation of Town List. The selectmen shall annually, between June 1 and July 1, prepare a town list. A duplicate list shall be retained by the town or city clerk. The town list shall contain in alphabetical order the names of all adult residents listed on either the voter registration list or inventory blank census list; provided, however, that in combining the lists, the selectmen shall delete names only if there is a duplication or if a person named is not a resident. The town list shall be available for public examination at all reasonable times in the town or city clerk's office.

Amend RSA 500-A:5 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

500-A:5 Eligibility for Jury Service. Eligibility shall be determined by rule of court.

Amend RSA 500-A:8 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

500-A:8 Term of Service. Any person who is summoned to serve as a juror on the petit or grand jury shall not be required to serve a term longer than 30 days. A juror who is sitting on a trial in progress or a grand jury hearing in progress shall be required to serve until the trial or hearing is completed.

Amend RSA 500-A:9 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

500-A:9 Exemption from Jury Service. No qualified prospective juror is exempt from jury service, except under the following circumstances:

I. The governor, secretary and treasurer of the state, judges and clerks of court, registers of deeds and probate, sheriffs and their deputies, attorneys-at-law, practicing physicians and surgeons, and firemen and policemen are exempt from serving as jurors.

II. If any person of the age of 70 years or more is selected as a juror he may, at his discretion, file with the court a written statement prior to the convening of court to the effect that he does not wish to act as a juror. He shall then be discharged, and another juror may be drawn in his place.

III. If any member of the general court or delegate to a constitutional convention is selected as a juror when the general

Amendment adopted. Ordered to third reading.

SENATE RESOLUTION NO. 8

requesting an opinion of the justices
concerning the constitutionality of SB 4-FN.

Whereas, the Senate has under consideration SB 4-FN which makes certain changes in the law relative to the constitutional requirement that the state provide legal counsel to indigent defendants in certain criminal cases; and

Whereas, some members of the Senate question the constitutionality of certain aspects of the proposed legislation; now, therefore, be it

Resolved by the Senate;

That the Justices of the Supreme Court are respectfully requested to give their opinion and answer the following question:

“Do any provisions of SB 4-FN if amended in accordance with the recommendations of the judiciary committee violate any provision of the United States Constitution or the New Hampshire Constitution?” and

That the clerk of the Senate transmit copies of this resolution and SB 4-FN amended in accordance with the recommendations of the judiciary committee to the Justices of the Supreme Court.

Sen. Monier for the committee.

SEN. MONIER: Once again, what we are dealing with is the bill that follows it, which is SB 4. What we have done is ask or will ask with the passage of this resolution, that the Supreme Court answer a constitutional question for us. The bill itself calls for the tightening of the repayment provision of the law for defendants receiving free legal counsel in criminal cases. If we can have this resolution pass we can send the question to the Supreme Court as it is indicated right on page 5 and 6. At that point we will move the next question and lay it on the table to await with a motion for suspension of rules. I think it is self-explanatory and I would ask the Senate to pass it and consider it.

Adopted.

SB 4-FN, relative to the legal representation of indigent persons. Ought to pass with amendment. Sen. Boyer for the committee.

Amendment to SB 4-FN

Amend RSA 604-A:9 as inserted by section 7 of the bill by striking out same and inserting in place thereof the following:

604-A:9 Repayment.

I. Any defendant whose sentence does not include actual incarceration in the state prison and who has had counsel or a public defender assigned to him at the expense of the state, county, city, or town shall be ordered by the court to repay to the state, county, city or town, through the board of probation, all fees and expenses paid on his behalf on such terms as the court may order. Each court shall report annually to the senate president and speaker of the house on the amounts repaid by defendants under this section during the previous year. If a defendant is financially unable to repay the government creditor under paragraph I, but is physically able to work, such defendant shall satisfy his debt at the rate of \$25.00 per day by performing uncompensated work for any town, county or agency of the state. The court may include a schedule in its order for the performance of work in repayment of a debt under this section which allows a defendant to seek additional employment other than that required for satisfaction of the debt.

III. All petitions for court appointed counsel shall bear the following words in capital letters:

I UNDERSTAND THAT I WILL BE REQUIRED TO RE-PAY THE SERVICES PROVIDED TO ME BY COURT AP-POINTED COUNSEL UNLESS I AM ACTUALLY INCAR-CERATED IN THE STATE PRISON. I ALSO UNDERSTAND THAT IF I CANNOT MAKE REPAYMENT, I WILL BE RE-QUIRED TO WORK FOR A TOWN, OR COUNTY GOVERN-MENT, OR AN AGENCY OF THE STATE WITHOUT COM-PENSATION BUT WITH CREDIT AT THE RATE OF \$25.00 PER DAY UNTIL THE DEBT IS PAID. THE COURT MAY, IN ITS SOLE DISCRETION, SCHEDULE SUCH WORK TO AVOID CONFLICTS WITH MY OTHER EMPLOYMENT.

IV. Notwithstanding any law to the contrary, if any repay-ment ordered pursuant to paragraph I becomes overdue, the court having originally appointed counsel may order any employer of a former defendant under such paragraph to deduct from that person's wages or salary the appropriate

amount due and pay such amount to the board of probation, which shall refund such amount to the state, county, city or town as appropriate.

Amend the bill by inserting after section 10 the following:

10 Severability. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Amend the bill by striking out section 3 and renumbering sections 4-10 to read as 3, 4, 5, 6, 7, 8, and 9 respectively.

Sen. Monier moved that SB 4-FN be laid on the table and after the Supreme Court decision the rules have been suspended to allow this bill to pass to the House after the deadline.

Adopted.

SB 103-FN, relative to notice requirements prior to parole hearings. Ought to pass with amendment. Sen. Lessard for the committee.

SEN. LESSARD: This bill would provide for the notification to the community where an offense was committed before a parole hearing. The amendment simply changes the notification from certified mail to regular mail. I ask you to vote for the amendment.

Amendment to SB 103-FN

Amend RSA 651:45-e, II as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

II. At least 15 and not more than 30 days prior to any parole hearing, the state board of parole shall send by first class mail to each county sheriff, chief of police, and county attorney of both the place where the offense occurred and where the person resided prior to conviction, a copy of the information described in paragraph I.

Amendment adopted.

Sen. Lessard moved a floor amendment to SB 103-FN.

SEN. LESSARD: There is an amendment being handed out right now which would do one simply thing and that is add the Commissioner of Safety to the list of people who are notified of a hearing, that is currently held by Commissioner Flynn. That is the only change and it was upon request of him that we do this. I would hope that you would vote for this amendment.

Floor Amendment to SB 103-FN

Amend RSA 651:45-e, II as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

II. At least 13 and not more than 30 days prior to any parole hearing, the state board of parole shall send by first class mail to the commissioner of safety and to each county sheriff, chief of police, and county attorney of both the place where the offense occurred and where the person resided prior to conviction, a copy of the information described in paragraph I.

Amendment adopted. Ordered to third reading.

SB 71, to reduce the statute of limitations for personal actions from 6 years to 3 years. Ought to pass with amendment. Sen. Lessard for the committee.

SEN. LESSARD: The bill was amended in committee to just deal with defamatory statements. The bill puts us in compliance with our sister states of Massachusetts, Maine, and Vermont. Radio broadcasting knows no state boundaries. We thought it would be appropriate to have ours exactly as those other sister states. We urge you to vote for this amendment.

Amendment to SB 71

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to the statute of limitations
on personal actions for slander.

Amend section 1 of the bill by striking out same and inserting in place thereof the following:

1 Statute of Limitations. Amend RSA 508:4 (supp) as amended by striking out said section and inserting in place thereof the following:

508:4 Personal Actions.

I. Except as otherwise provided by law, all personal actions except actions for slander may be brought only within 6 years of the time the cause of action accrued.

II. Personal actions for slander, unless otherwise provided by law, may be brought only within 3 years of the time the cause of action accrued.

Amendment adopted. Ordered to third reading.

SB 294, relative to the duration of alimony orders. Ought to pass with amendment. Sen. Champagne for the committee.

SEN. CHAMPAGNE: For years it has been the rule in New Hampshire that alimony payments last for a three year period unless extended by the court, and unless the party has dependent children. That rule has been around for many, many years. In a Supreme Court decision that came down recently the court, because of the language in the statute, made an exception for an alimony payment coming down to somebody who had children. The alimony didn't follow the three year rule according to an interpretation of the Supreme Court and continued forever. What this bill does is it goes back to the original three year rule that everyone in New Hampshire assume the law provided for to begin with. The original bill had a one year rule but the committee found no foundation

for a one year rule, it has always been a three year rule in New Hampshire. After we amended the bill the opposition to the bill was withdrawn and we are going back to what New Hampshire law was supposed to have been for many, many years. We recommend your approval.

Amendment to SB 294

Amend RSA 458:19 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

458:19 Alimony. Upon a decree of nullity or divorce, the court may restore to the wife all or any part of her estate, and may assign to her such part of the estate of her husband, or order him to pay such sum of money, as may be deemed just, provided that in cases in which no children are involved, or in which the children have reached the age of majority, the order shall be effective for not more than 3 years or 3 years after the youngest child attains the age of majority, whichever occurs first. However, such order may be renewed, modified or extended if justice requires for periods of not more than 3 years at a time; and may compel the husband to disclose, under oath, the situation of his property; and before or after the decree, may make such orders and use such process as may be necessary.

Amendment adopted. Ordered to third reading.

SB 217, relative to false impersonation of state investigators. Ought to pass with amendment. Sen. Champagne for the committee.

SEN. CHAMPAGNE: This bill was requested by the Attorney General's office. It makes it unlawful for anyone to represent a state investigator or a local law enforcement officer. There was no testimony against the bill at the hearing and we recommend you accept the committee report.

Amendment to SB 217

Amend RSA 104:28-a as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

104:28-a False Personation. A person is guilty of a misdemeanor if, not being a sheriff, deputy sheriff, state police officer, police officer of any city or town, or any other law enforcement officer or investigator employed by the state or a municipality within the state, he purposely pretends to be or assumes to act as such law enforcement officer or investigator, or if he purposely requests any other person to assist him in any matter belonging to the duty of such law enforcement officer or investigator.

Amendment adopted. Ordered to third reading.

SB 143, authorizing the Jackson water precinct in the town of Jackson to refinance current indebtedness and procure a farmers home administration loan. Ought to pass. Sen. Podles for the committee.

SEN. PODLES: SB 143 is a perfect legal request by the town of Jackson. It will enable Jackson to upgrade their water system which is in need of urgent repair. Under this bill they will not be able to consolidate the monies. This bill had strong support and the committee recommends ought to pass.

Adopted. Ordered to third reading.

SB 146, assuring the privacy of public employees. Interim Study. Sen. Podles for the committee.

SEN. PODLES: SB 146 prohibits public disclosure of the names of public employees and identifying information. Also it limits the publication of names of public employees and financial information. The committee felt the bill is obstructing the right to know and could be in violation and would be challenged in the courts. The committee recommends interim study.

SEN. CHANDLER: Who is the sponsor?

SEN. PODLES: Senator Rice.

SEN. RICE: I rise in opposition to the motion of placement in interim study. Currently there are approximately 10,000 full-time or part-time state employees. I'm sure that when this budget finishes there are going to be significantly less. Regardless of that, the key word in that bill was redac-

tion. This bill falls into compliance with federal regulation. I have a copy of a computer printout sheet that lists the position number, the name, the position, and the salary of state employees, and this page happens to be for the Attorney General's office. The word redaction would only cross out the name of the employee, it would not cross out other information, it would not cross out that employees position number, identification number, or their position and salary. I think that this bill is a balance between protecting the rights of individuals and the rights of the press for publication. The intent of this bill is really to eliminate the embarrassment that goes on with employees, especially those that are in lower labor grades, from arbitrarily having newspapers or other media publish every single state employees' name.

Adopted, referred to Interim Study.

SB 147, establishing hearing examiners in the public utilities commission and relative to the maintenance of railroad crossings. Ought to pass with amendment. Sen. Podles for the committee.

SEN. PODLES: SB 147 gives the public utilities commission the authority to employ two hearing examiners and assign powers and duties to them. There is a crying need for hearing examiners for the utility and the consumer. There was strong support for the bill. The amendment deletes a section of the bill which had a great deal of opposition. The committee recommends ought to pass with amendment.

Amendment to SB 147

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

establishing hearing examiners in
the public utilities commission.

Amend the bill by striking out section 2 and renumbering section 3 to read as 2.

Amendment adopted. Ordered to third reading.

SB 149, defining the powers and duties of district fire mutual aid systems. Ought to pass with amendment. Sen. Podles for the committee.

SEN. PODLES: SB 149 recognizes some of the functions that the fire mutual aid systems have been doing for a long time. They have increased their services to cover police and ambulance rescue service. The existing law does not allow all the extra services it only says fire. The bill expands their powers. The amendment includes fire departments which was left out of the bill. The committee recommends ought to pass with amendment.

Amendment to SB 149

Amend RSA 154:30-c as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

154:30-c Powers and Duties.

I. A district fire mutual aid system shall coordinate the services of all municipalities and fire departments belonging to it so as to provide better and more efficient cooperation in the protection of life and property within the area which it comprises and toward this end shall cooperate with other state agencies and the state and local civil defense authorities.

II. A district fire mutual aid system may:

(a) Establish plans for the coordination of all municipal services performed by it;

(b) Within the limits of available funds, acquire and operate property and equipment, including a dispatch center;

(c) Provide communications service, radio repair, and maintenance service to its member municipalities and fire departments or persons and firms under contract with a member municipality or fire department;

(d) Provide private fire, burglary, and supervisory alarm service;

(e) Provide dispatch and communications service for police and emergency medical services of member municipalities and fire departments or for such services as are under contract with member municipalities and fire departments;

(f) Extend the advantages of group purchasing for services performed by it to municipalities and fire departments in the system; and

(g) Provide and operate training programs for firemen and emergency medical technicians.

III. The state fire marshal may render advice, recommendations and assistance to any district fire mutual aid system.

Amendment adopted. Ordered to third reading.

Sen. Monier in the Chair.

SB 158, relative to negotiators for any bargaining unit. Ought to pass. Sen. Podles for the committee.

SEN. PODLES: SB 158 was introduced by the Concord Firefighters. It is a housekeeping bill and it clears up a vagueness. The committee recommends ought to pass.

Adopted. Ordered to third reading.

SB 102-FN, authorizing municipalities to establish central business service districts. Interim Study. Sen. Podles for the committee.

SEN. PODLES: SB 102-FN authorizes the municipalities to establish central business service districts to provide property related services. A charge on such services is required and it goes beyond the services already provided in the municipality as a whole. There is strong opposition by the Downtown Municipal Association of Manchester. Many letters were received, telephone calls, in opposition to this bill from the business people in Manchester. Testimony given that it was a blank check for any businessman and opens the door for double taxation. The committee is of the opinion that further study is required and recommends interim study.

Adopted, referred to Interim Study.

SB 192, relative to bulk sale transfers under the uniform commercial code. Ought to pass. Sen. Podles for the committee.

SEN. PODLES: SB 192 is an attempt to have some method for the wholesalers when restaurants disappear. They owe debts, they sell their assets to anyone for any price, pocket the proceeds and disappear leaving the creditors unpaid. This will be a valuable policing measure and will impose on the buyer an obligation. The committee recommends ought to pass.

Adopted. Ordered to third reading.

SB 205, prohibiting fraudulent communication paraphernalia. Ought to pass. Sen. Podles for the committee.

SEN. PODLES: SB 205 prohibits fraudulent communications paraphernalia which is a problem in colleges, homes, and telephone pay stations. The bill establishes penalties. There was strong support for the bill and the committee recommends ought to pass.

Adopted.

SB 155, establishing the rate of compensation to be received by police officers in the employ of private interests. Ought to pass with amendment. Sen. Podles for the committee.

SEN. PODLES: SB 155 requires that police officers working from other than public funds be paid the same rate that they are paid by the town or city employing them. The amendment adds \$1 to the hourly rate and the \$1 will be given to the city or town employing such an officer for use in the purchase of maintenance of police equipment and the training of police officers and other police department improvements. The committee recommends ought to pass with amendment.

Amendment to SB 155

Amend section 1 of the bill by striking out same and inserting in place thereof the following:

1 Rate of Compensation. Amend RSA 105 by inserting after section 9-b the following new section:

105:9-c Rate of Compensation; Service of Private Interests. Police officers, when being paid for their services as police officers from other than public funds, shall be compensated at a rate established by the city or town employing them. Such rate shall in no case substantially exceed the rate normally paid police officers from public funds in compensation for the performance of their official duties. Any amounts paid a police officer under this section in excess of the rate he is normally paid shall be given to the city or town employing such officer for use in the purchase or maintenance of police equipment, the training of police officers, or other police department improvements.

Amendment adopted. Ordered to third reading.

SB 175-FN, establishing a study committee to recommend solutions to the problems created by ice jams on the Connecticut River. Ought to pass. Sen. Sanborn for the committee.

SEN. SANBORN: This is a bill that was sponsored by Sen. Lamontagne. I think everyone here in the Senate knows that they have been having a few problems up in North Stratford and that area with the Connecticut River about every winter when they have a few ice jams and it seems to knock down a few buildings and so forth. What is being recommended here is that a study commission be appointed that will look into this problem and try to come up with a suitable solution to that problem so they are not having part of North Stratford go down the river nearly every spring. It seems like a good bill.

Adopted. Ordered to third reading.

SB 161-FN, an act creating an automatic assignment of a town or county's pauper's assets up to \$1,000 for funeral and burial expenses. Ought to pass. Sen. Podles for the committee.

SEN. PODLES: SB 161-FN provides for the assignment to the deceased welfare recipient's liquid assets to the funeral director or to the person paying the funeral expenses when the assets of the deceased recipient were under \$1,000. The bill will legalize what many nursing homes and county homes

are already doing. The Division of Welfare supports this legislation and the committee recommends ought to pass.

Adopted. Ordered to third reading.

SB 86-FN, licensing oil burner technicians and making an appropriation therefor. Interim Study. Sen. Sanborn for the committee.

SEN. SANBORN: This appeared to be a good bill but the testimony that came before it, and we had quite a good hearing on it. For instance, this bill left out gas fired furnaces and so forth, when actually they need as much or more licensing and knowing what they are doing than the oil-fired furnaces. There were several other little points in the bill that both the oil burner people, the people that install the gas burning furnaces, and other who were there at the hearing could not quite agree with. Because this bill seems to be complicated we recommended that it go to interim study.

Adopted.

SB 154, relative to terms of members of a historic district commission. Ought to pass. Sen. Podles for the committee.

SEN. PODLES: SB 154 is a simple housekeeping bill. It removes the limitation of the wording, no more than two successive terms for a historic district commission member. The committee recommends ought to pass.

Adopted. Ordered to third reading.

SB 173, authorizing special assessments to defray portions of the expense of a public parking facility in the city of Portsmouth. Ought to pass. Sen. Podles for the committee.

SEN. PODLES: SB 173 is specifically for Portsmouth. It is limited to the parking lot. It will become a referendum to be held at the city election in November, 1981. The committee recommends ought to pass.

Adopted. Ordered to third reading.

SB 63, to prohibit the sale of drug paraphernalia. Ought to pass with amendment. Sen. Champagne for the committee.

SEN. CHAMPAGNE: This bill has gotten enough publicity so I think everyone is familiar with the attempts of this bill. This bill is attempting to outlaw the sale of drug paraphernalia. The amendment is extensive. What the amendment deals with is that there are five terms in the model law that have been ruled unconstitutional. The amendment changes those five terms and takes care of those five unconstitutional areas. In addition it adds a forfeiture section to the law and we recommend your approval.

SEN. BROWN: I rise in strong support of SB 63. This is something that I have worked on for two years. I have done a tremendous amount of research. Without getting into great detail, as Sen. Champagne has stated there has been a lot of publicity on it. Once again I just hope that we can pass this bill and recognize in the state of New Hampshire the problems we have with drugs, especially in our young people today.

Amendment to SB 63

Amend RSA 318-B:1, X-a as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

X-a. "Drug paraphernalia" means all equipment, products and materials of any kind which are used or intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of this chapter. It includes, but is not limited to:

(a) Kits used or intended for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;

(b) Kits used or intended for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;

(c) Isomerization devices used or intended for use in increasing the potency of any species of plant which is a controlled substance;

(d) Testing equipment used or intended for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances;

(e) Scales and balances used or intended for use in weighing or measuring controlled substances;

(f) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used or intended for use in cutting controlled substances;

(g) Separation gins and sifters used or intended for use in removing twigs and seeds from, or in otherwise cleaning or refining, marihuana;

(h) Blenders, bowls, containers, spoons and mixing devices used or intended for use in compounding controlled substances;

(i) Capsules, balloons, envelopes and other containers used or intended for use in packaging small quantities of controlled substances;

(j) Containers and other objects used or intended for use in storing or concealing controlled substances;

(k) Hypodermic syringes, needles and other objects used or intended for use in parenterally injecting controlled substances into the human body;

(l) Objects used or intended for use in ingesting, inhaling, or otherwise introducing marihuana, cocaine, hashish, or hashish oil into the human body, such as:

(1) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;

(2) Water pipes;

(3) Carburetion tubes and devices;

(4) Smoking and carburetion masks;

(5) Chamber pipes;

(6) Carburetor pipes;

(7) Electric pipes;

(8) Air-driven pipes;

(9) Chillums;

(10) Bongs;

(11) Ice Pipes or chillers.

Amend RSA 318-B:2, II as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

II. It shall be unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance.

Amend RSA 318-B:2, III as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

III. It shall be unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

Amend RSA 318-B:2, IV(f) as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

(f) Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he knows intend to use the object to facilitate a violation of this chapter; the innocence of an owner, or of anyone in control of the object, as to a direct violation of this chapter shall not prevent a finding that the object is intended for use as drug paraphernalia;

Amend RSA 318-B:2, IV as inserted by section 2 of the bill by striking out subparagraph (k) and relettering the original subparagraphs (l)-(h) to read as (k), (l), and (m) respectively.

Amend RSA 318-B:26, II(d) as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

(d) Places an advertisement in violation of RSA 318-B:2, III shall be guilty of a misdemeanor.

Amend the bill by striking out all after section 4 and inserting in place thereof the following:

5 Forfeiture. Amend RSA 281-B by inserting after section 17-a the following new section:

318-B:17-b Forfeiture of Drug Paraphernalia. All drug paraphernalia which comes into the custody of a peace officer shall be forfeited and destroyed. A record of the place where the paraphernalia was seized; of the kinds and quantities of paraphernalia destroyed; and of the time, place, and manner of destruction, shall be made to the superior court by the officer who destroys them.

6 Severability. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

7 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted. Ordered to third reading.

SB 227, relative to domestic violence. Ought to pass with amendment. Sen. Roy for the committee.

SEN. ROY: SB 227 amends the domestic violence law that became law in the last session. First of all it allows a change of venue, that is to say it allows proceedings under this chapter to be transferred to another court upon the motion of any party or the court as the interest of justice or convenience requires. Another section of the proposed bill, since victims are afraid to apply for restraining orders in many cases because the form tells their abuser where they are located. The bill would require that notice of the whereabouts of the plaintiff shall not be revealed except by order of the court. It further provides that police officers as well as the sheriff may serve the process. And last, in the amendment,

it provides that the court may order persons to go to treatment, both parties concerned in domestic violence.

Amendment to SB 227

Amend RSA 173-B:3, II as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

II. No filing fee or fee for service of process shall be charged for a petition under paragraph I and the plaintiff may proceed without legal counsel. In addition to the sheriff's department, peace officers may serve process. Any proceeding under this chapter shall not preclude any other available civil or criminal remedy.

Amend RSA 173-B:8 as inserted by section 9 of the bill by striking out same and inserting in place thereof the following:

173-B:8 Violation of Protective Orders. Upon notice by any person alleging that the defendant has violated any protective order issued under this chapter, the court shall issue a summons to the defendant, requiring the defendant to appear and show cause within 14 days why he should not be found in contempt of court and punished therefor. Any such hearing may be held by the court in any county or district in which the plaintiff or defendant temporarily or permanently resides at the time of the alleged violation.

Amend the bill by striking out section 11 and inserting in place thereof the following:

11 Order for Counseling. Amend RSA 173-B:4, I(b) (5) (supp) as inserted by 1979, 377:2 by striking out said paragraph and inserting in place thereof the following:

(5) Ordering that either or both the parties attend counseling or such other treatment as the court may deem appropriate; or

12 Possession of Residence. Amend RSA 173-B:4, II (supp) as inserted by 1979, 377:2 as amended by striking out in line 2 the words "household residence" and inserting in place

thereof the following (residence) so that said paragraph as amended shall read as follows:

II. No order made under this section shall supercede or affect any court order pertaining to right to possession of residence or household furniture, custody of children pursuant to RSA 169-B, 169-C or 169-D, support or custody made under RSA 458 or affect title to real or personal property.

13 New Section. Amend RSA 173-B by inserting after section 11 the following new section:

173-B:12 Orders Enforceable. Any protective order issued under this chapter shall be effective throughout the state, in all districts and counties.

14 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted. Ordered to third reading.

Sen. Sanborn in the Chair.

SB 189, requiring a 10 percent discount on liability insurance for persons 55 years of age or older who have completed a defensive driving course. Interim Study. Sen. Bergeron for the committee.

SEN. BERGERON: The committee would like to commend the bill's sponsor for the content material in the bill. There was a lot of sympathy for it, but what happened in our hearings was it created an awful lot of confusion, it created questions that no one present at the hearing could answer, including the New Hampshire Insurance Department. Therefore, knowing that it is a worthwhile project, we wish the matter to be pursued. We think the way to do it is via interim study and hopefully we will have the bill back. I can only reiterate that we think it is a good idea, we think the program is a worthwhile project. Other people were there with amendments. They found in the original bill that the two year reduction was not consistent with some of the other statutes we have or some of the other ratings procedures we have in the state. They wanted that changed. They wanted

it amended down to age 21. We had all kinds of testimony. The committee unanimously reported it be sent to interim study so that it can be pursued and hopefully be back to us sometime in the future.

SEN. LESSARD: I just want to say that I do support the committee report of sending it to interim study. I hope that the questions can be resolved by the next special session, if in fact we have a special session. If not then the next regular legislative session. I just wanted to bring to your attention that this age group, 55 and above, have one of the best driving records and really support much of the driving public below that age, carry them on their backs. I think that it is appropriate to give these people who drive carefully, that have fewer moving violations, and really simply don't get into as much highways as the rest of the driving public, should receive some kind of a benefit for that. I will be bringing the bill in again, hopefully with the approval of the Insurance Committee.

Adopted, referred to Interim Study.

SB 263-FN, relative to certain retirement pay and unemployment compensation benefits. Interim Study. Sen. Freese for the committee.

SEN. FREESE: This bill prevents retired pay for a previous period of employment from being deducted from the unemployment compensation benefits of an individual if the retirement pay and eligibility for unemployment compensation benefits are based on different periods of employment. The bill is retroactive to April 1, 1980. We spent a lot of time executing this bill. I think we went back to it at least three times. Those testifying for the bill were Sen. Podles, and a gentleman by the name of Paul Colby from Epsom, a retired military man. I think we had quite a lot of testimony in the halls and in the corners and so forth before we executed it. Mr. Smith, legal counsel for DES, and Mr. Adams attended the hearing. Just for information they took neither a positive nor a negative view of the bill. We did finally get it executed and it was unanimously voted to send it to interim study.

SEN. MONIER: I'm not going to interfere with the committee report but I do want to be recorded as being in oppo-

sition to the content of the bill, not the action taken by the committee. This bill has been represented as being an honest, sincere and simply stated proposition which would guarantee equal and nondiscriminatory treatment to all citizens of the state of New Hampshire who otherwise qualify in every single respect, and whose employers have contributed to the unemployment compensation fund administered by the DES. Would you believe that this state now relegates many of its elderly retired and military retired, including those disabled and retired because of injuries sustained in the line of duty, to a kind of a second class citizen status by refusing them unemployment compensation when they are laid off in subsequent jobs that are not in any way related to their retirement earnings. I think this is a policy that has been established here in the state and I think it has been established in other states. Perhaps you think that this affects only a very small number of citizens in our state but as a matter of fact there are countless thousands of the retired elderly in this state who are directly affected by this adverse policy promulgated by current rule. In addition there are some several thousand retired military who reside in this state who could and do suffer because of this unnecessary and discriminatory treatment. For that reason I want to be recorded as voting against the bill. Since I have a motion that is not for or against then I will have to support it but I want to be on record as being against the contents and supplication as applied by DES under the rule.

Adopted.

SB 181, relative to investments under the public employees deferred compensation plan. Ought to pass. Sen. Bergeron for the committee.

SEN. BERGERON: SB 181 was introduced by the sponsor on behalf of some 600 licensed agents in the state of New Hampshire. Basically what the deferred comp does is nothing new. It sets aside present day earnings for future retirement at several advantages but what is new here is that it was finally made available to all of our state employees. The establishment of a commission was the first task before the committee and in this manner an administrator was hired. Again,

nothing new as far as this is concerned, as it works in the school systems and in other municipalities throughout the state. What was wrong here and the reason for the bill was that the state employee really had no choices, selection was made by a bidding process of the agent of record, who was one and the same, with the administrator. What we found was that some of our friends were limited, our state employees were limited as to their choice of product and also that our own people in the state of New Hampshire were unable to sell their products to the friends, neighbors, or relatives. Basically this problem was brought to the Governor's office, the Governor suggested legislation to correct the problem and here it is. The committee was unanimous in its recommendation to the full Senate.

Adopted. Ordered to third reading.

Sen. Sanborn moved that all bills laid on the table with the exception of those referred to the Supreme Court be indefinitely postponed.

Adopted.

Indefinitely Postponed

CACR 12, relating to a limitation on state and local taxation and spending increases.

SB 214, to establish a penalty for the violation of laws relative to mobile home parks.

INTRODUCTION OF SENATE RESOLUTION

Senate Concurrent Resolution No. 11

relative to the deadline for bills
awaiting an opinion of the justices.

Whereas, the joint rules of the 1981 general court have established certain deadlines for the passage of bills from one house to the other; and

Whereas, the general court has submitted several bills to the Supreme Court for an opinion of the justices and such bills may not be returned in time to be passed to the other house within the deadlines established by the joint rules; and

Whereas, any bill so referred to the supreme court ought to be considered by the general court during this season; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring:

That any bill which has been referred to the Supreme Court for an opinion of the justices be exempt from the deadlines established by the 1981 joint rules for the passage of bills from one house to the other; and

That any bill so referred be considered by the house or senate as soon as possible upon its return from the Supreme Court.

Adopted. Ordered to third reading.

Senator Brown moved the following resolution:

Sen. Brown moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills ordered to third reading be read a third time by this resolution and that all titles be the same as adopted, and that they be passed at the present time; and that when we adjourn, we adjourn until Tuesday, April 28, 1981 at 1:00 p.m.

Adopted.

LATE SESSION

ANNOUNCEMENTS

Third Reading and Final Passage

SB 257-FN, authorizing lifetime fish and game licenses.

SB 272-FN, concerning property tax exemptions for property equipped with alternative energy sources.

SB 201-FN, increasing the oil transfer fee from \$.01 per barrel to \$.015 per barrel.

SB 160, relative to the election of planning board members and other town officers.

SB 132-FN, relative to a trapping education program.

SB 178, relative to the rabies vaccination requirement.

SB 279-FN, relative to zoning of manufactured housing.

SB 179, relative to degree granting power.

SB 244-FN, relative to evaluation of teachers, supervisors and administrators.

SB 245, concerning a statewide public school system performance evaluation.

SB 265-FN, relative to the New Hampshire incentive program.

SB 266-FN, establishing a fire standards and training commission for the administration of the fire service training and research program.

SB 157, naming the building at the New Hampshire Vocational Technical College at Portsmouth for Governor Wesley Powell.

SB 167, extending the degree granting authority of Daniel Webster College.

SCR 11, relative to the deadline for bills awaiting an opinion of the justices.

SB 271-FN, legalizing the meeting of the Monadnock regional school district held March 7, 1981

SB 186-FN, establishing the New Hampshire constitution bicentennial education commission.

SB 284-FN, to permit the issuance of liquor licenses to college clubs and the Wilrose Farms.

SB 181, relative to investments under the public employees deferred compensation plan.

SB 312, to increase the penalty for the murder of certain public officials.

SB 208, making changes relative to publication of delinquency.

SB 206-FN, making changes in the liability for expenses for a delinquent minor.

SB 207-FN, making changes in the disposition of a delinquent minor.

SB 53, to remove certain prohibitions against publication in cases where juveniles are charged with felonies.

SB 51, relative to insanity in criminal and civil proceedings.

SB 258-FN, relative to jury selection and service.

SB 4-FN, relative to the legal representation of indigent persons.

SB 103-FN, relative to notice requirements prior to parole hearings.

SB 71, relative to the statute of limitations on personal actions for slander.

SB 294, relative to the duration of alimony orders.

SB 217, relative to false impersonation of state investigators.

SB 143, authorizing the Jackson water precinct in the town of Jackson to refinance current indebtedness and procure a farmers home administration loan.

SB 147, establishing hearing examiners in the public utilities commission.

SB 149, defining the powers and duties of district fire mutual aid systems.

SB 158, relative to negotiators for any bargaining unit.

SB 192, relative to bulk sale transfers under the uniform commercial code.

SB 205, prohibiting fraudulent communication paraphernalia.

SB 155, establishing the rate of compensation to be received by police officers in the employ of private interests.

SB 175-FN, establishing a study committee to recommend solutions to the problems created by ice jams on the Connecticut River.

SB 161-FN, an act creating an automatic assignment of a town or county's pauper's assets up to \$1,000 for funeral and burial expenses.

SB 154, relative to terms of members of a historic district commission.

SB 173, authorizing special assessments to defray portions of the expense of a public parking facility in the city of Portsmouth.

SB 63, to prohibit the sale of drug paraphernalia.

SB 227, relative to domestic violence.

SB 3, reapportioning the New Hampshire congressional districts.

SB 168, relative to the transfer of a motor vehicle owned by husband and wife after the death of one spouse.

SB 105-FN, increasing sheriffs' travel and per diem fees.

SB 18, ensuring official representative of the state and United States armed services access to high school and college campuses.

SB 153, authorizing the issue of refunding bonds under the municipal finance act.

Adopted.

Sen. Brown moved that the Senate do now adjourn with the provision the President may introduce and refer bills during the adjournment.

Adopted.

Adjourned at 6:07 p.m.

Tuesday, April 28, 1981

The Senate met at 1:00 p.m.

A quorum was present.

The prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Send Thy spirit Lord, upon this State House and all that work therein.

May harmony reign mixed with humility as the battle of the budget shall be worked out with tranquility and justice dutifully accomplished to the best of what we have or are about to receive.

Help us Lord!

Amen

Senator Podles led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

HOUSE MESSAGES

HOUSE CONCURS

SB 31, allowing the housing finance agency to employ a corporate trustee located within or outside of the state.

SB 23, relative to the definition of bicycle path or trail.

SB 54, limiting the use of power boats on Grafton pond in the town of Grafton.

HOUSE CONCURS WITH SENATE AMENDMENTS

HB 345, relative to oil spillage in public waters.

HB 318, relative to the amount of insurance which need be carried on mortgaged property.

HB 61, relative to the reporting of bear killed.

HB 425-FN, relative to supplemental appropriations to various departments and agencies, changing the maximum number of off-sale liquor permits allowed, increasing the registration fee for interstate common carriers, providing for the lapsing of interest and the accumulated balance of the contribution fund to the general fund, providing an appropriation for food, fuel and utilities, providing an appropriation for the purchase of state police vehicles and providing a special education formula.

HB 400, to permit a waiver of the motor vehicle equipment requirements or prohibitions in automobiles of handicapped persons.

HOUSE REFUSES TO CONCUR

SB 25, relative to financial reports required from candidates for public office.

SB 38, relative to unlawful entry on premises where dangerous devices are kept.

Senators Boyer, Stabile and Kelly introduced the following resolution.

RESOLUTION

WHEREAS a Proclamation is the means by which Sen. Richard Boyer of the N.H. Senate honors the superior efforts of an individual, and

WHEREAS Russell Marcoux was chosen Young Citizen of the Year by the Nashua Jaycees and was chosen one of the three outstanding young men in New Hampshire by the State Jaycees, and

WHEREAS Russell and Jeanne were blessed with three lovely children, Julia, Jason and Jonathan, and

WHEREAS Russ has been actively involved in government in Nashua and was elected Ward 4 Alderman in 1976 and Vice President of the Board of Aldermen in 1980, and

WHEREAS in 1978 he was one of the four charter members of the Nashua Senior Center Corp., be it therefore

RESOLVED that Sen. Richard E. Boyer of the New Hampshire Senate does hereby extend his heartiest congratulations to Russell Marcoux and wishes him much success in all future endeavors.

Adopted.

COMMITTEE REPORTS

HB 26, to increase the amount of interest credit unions may charge on loans. Ought to pass with amendment. Sen. Podles for the committee.

SEN. PODLES: HB 26 removes the limits on the rate of interest credit unions may charge on an unpaid balance. The amendment adds the St. Mary's Bank to the bill. St. Mary's has its own charter and unless it is added to the current bill they would be restricted to a 12% interest cap on loans under their own statutes. The committee recommends ought to pass with amendment.

Amendment to HB 26

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

to increase the amount of interest that credit unions
and the LaCaisse Populaire Ste-Marie or
St. Mary's Bank may charge on loans.

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 LaCaisse Populaire Ste-Marie or St. Mary's Bank; Interest. Amend 1909, 303:2 as amended by 1961, 342:1 by striking out said section and inserting in place thereof the following:

Sect. 2. The object of the association shall be to open credits for and make loans to its shareholders, but for and to no other persons, upon such terms, for such times and upon such security, real or personal, as the association may vote or by its bylaws provide.

3 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted. Ordered to third reading.

HB 286, relative to the limitations on real estate loans. Ought to pass with amendment. Sen. Freese for the committee.

SEN. FREESE: This bill allows a cooperative bank or building and loan association or savings and loan association, to make loans on improved real estate provided that certain conditions are met. This bill went through the House and it was amended to the dissatisfaction of the sponsors and the bank commissioners. When it got to the Senate Bank Committee there was a new amendment introduced and the committee in the House took off all the limitations. It would permit a bank to make 100% loans. The regulations were reinstituted on the bill and what the new law basically says is that on one through four family homes, first mortgage is 90%; on semi-commercial loans anything other than one through four families, basically 80% amounts in excess to \$55,000; on second mortgages the loans are 80% of appraised evaluation. We have cut down the years on the second mortgage loans to 25 years instead of 40. There were two people at the hearing, Richard Demando from Milford and the New Hampshire Cooperative Bank, and the Commissioner of Banking. There was no opposition to these changes and the committee recommends to the Senate that they ought to pass.

Amendment to HB 286

Amend RSA 393:18 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

393:18 Limitations on the Amount of Real Estate Loans and Investments.

I. A cooperative bank or building and loan association or savings and loan association may loan its funds upon the security of a lien on real estate provided that no more than one percent of the assets of the association is loaned on any one property and provided that:

(a) Loans supported by a first mortgage lien in excess of \$10,000 may not exceed 90 percent of the appraised value

of any one property and loans in excess of \$55,000 may not exceed 80 percent of the appraised value on any one property; provided, however, that loans on real estate containing one or more dwelling units for not more than 4 families each, may not exceed 90 percent of the appraised value of the property.

(b) Loans supported by a second mortgage lien on improved real estate may also be made, provided that:

(1) Such real estate shall be subject to a valid first mortgage lien of a bank whose principal place of business is in this state;

(2) The net proceeds of any such loan shall not exceed 80 percent of the appraised value of such real estate at the time the loan is to be made, less the outstanding principal balance and advances made under the provisions of RSA 479:4 of the first mortgage lien;

(3) Each such loan shall be evidenced by one or more negotiable notes and shall be secured by a valid mortgage lien subordinate only to first mortgage lien;

(4) Each loan shall be repayable on demand or in regular monthly installments within 25 years.

II. These limitations shall not apply to loan insured or guaranteed by the Federal Housing Administration, the Veterans Administration, the state of New Hampshire or by a private mortgage guaranty insurance company licensed to do business in the state of New Hampshire and approved by the bank commissioner. Notwithstanding the foregoing limitations of this section, an association may make a loan in connection with the sale of real estate acquired by the association for the purpose of providing offices for the transaction of business of the association or acquired under a foreclosure or a deed in lieu of foreclosure in an amount not to exceed the sale price the association received from such real estate.

Amendment adopted. Ordered to third reading.

HB 89, to eliminate the usury law relative to automobile loans. Ought to pass with amendment. Sen. Freese for the committee.

SEN. FREESE: This bill eliminates the ceiling on interest rates charged on automobile loans. Under this bill the interest rate will be whatever the buyer and the seller agree

upon. Back in the 60's there was legislation and statutes established that the rate should be 12.78 and in 1980 it was changed to the Boston discount rate, 13%, which seems to be still too tight to make money available to automobile loans. What this bill does is eliminate all ceilings on interest rates for automobile loans but it also sets up an amendment to be monitored by the Banking Commissioner. In the amendment it includes the specific reporting methods to the Banking Commissioner so that he can observe and monitor this for a year or so and be sure that the rates aren't unreasonable. There was no one appearing against this bill at the hearing. There were six or eight people that testified, including the Banking Commissioner. The committee recommends the bill ought to pass with amendment.

Amendment to HB 89

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Reporting on Effect of Finance Charge Ceiling Elimination.

I. Every retail seller and sales finance company licensed under RSA 361-A:2 shall report to the bank commissioner as of the close of business in December of 1981 and as of the close of business in December of 1982, on a form to be furnished by the bank commissioner, a summary of the retail installment contracts entered into by such license. This report shall include, but is not limited to, the number of contracts and the minimum and maximum rate charged in annual percentage rate for the calendar year. Reporting will be done according to the following groups: Group I, any new motor vehicle designated by the manufacturer by a year model not earlier than the year in which the sale is made; Group II, any new motor vehicle not in Group I and any used motor vehicle designated by the manufacturer by a year model of the same or not more than 3 years prior to the year in which the sale is made; and Group III, any used motor vehicle not in Group II. Any licensee which neglects to make said report within 30 days following the end of the calendar year as prescribed in this paragraph, shall forfeit to the state \$10 for each day during which such neglect continues.

II. For purposes of reporting as described in paragraph I of this section no bank, trust company, industrial bank or savings institution shall be required to file such a report.

III. The bank commissioner shall report to the chairman of the house commerce and consumer affairs committee no later than March 31, 1982, and March 31, 1983, on the reports filed pursuant to paragraph I for the prior calendar year.

Amendment adopted. Ordered to third reading.

HOUSE NON-CONCURS IN SENATE AMENDMENT
TO SUNSET BILL AND REQUESTS A
COMMITTEE OF CONFERENCE

HB 168-FN, relative to sunset review of the division of mental health.

The Speaker has appointed Reps. Knight, Craig, Appleby and Demtracopoulos.

Sen. Roy moved to accede to the request for a Committee of Conference.

Adopted.

The Chair appoints Sens. Roy, Podles, and Champagne.

HOUSE NON-CONCURS IN SENATE AMENDMENT
AND REQUESTS A COMMITTEE OF CONFERENCE

HB 170-FN, creating the health and welfare oversight committee.

The Speaker has appointed Reps. Armstrong, Nevins, Holmes and Copenhaver.

Sen. Roy moved to accede to the request for a Committee of Conference.

Adopted.

The Chair appointed Sens. Roy, Podles, and Champagne.

HOUSE NON-CONCURS IN SENATE AMENDMENT
TO SUNSET BILL AND REQUESTS A
COMMITTEE OF CONFERENCE

HB 209-FN, relative to sunset review of the youth development center.

The Speaker has appointed Reps. Milton Cate, Cotton, Brudgewater and Pariseau.

Sen. Roy moved to accede to the request for a Committee of Conference.

Adopted.

The Chair appointed Sens. Roy, Podles and Champagne.

Sen. Brown moved the following resolution:

Resolved, that in accordance with the list in the possession of the Clerk, House Bills starting with number 731-FN and ending with 726 which corresponds to the lists on your desks, shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS

First and Second Reading and Referral

HB 731-FN, relative to construction and inspection of public buildings. (To Finance)

HB 717-FN, relative to limitation on the sale of liquor and wine by first-class restaurant licensees. (To Ways & Means)

HB 94, to exempt energy production projects from the municipal debt limit. (To Development, Recreation, and Environment)

HB 95, making certain technical terminology changes in the public utility bond financing act. (To Banks)

HB 797, relative to the development of comprehensive plans by municipalities with consideration given to the use of solar energy. (To Development, Recreation and Environment)

HB 800, relative to energy facility siting. (To Internal Affairs)

HB 932, relative to solar skyspace easements. (To Development, Recreation and Environment)

HCR 7, urging the Congress of the United States to restructure the Nuclear Regulatory Commission according to the recommendations of the Report of the President's Commission on the Accident at Three Mile Island. (To Development, Recreation and Environment)

HB 767-FN, transferring jurisdiction of the state hospital farm from the department of resources and economic development to the New Hampshire state prison. (To Public Inst/Health and Welfare)

HB 620, allowing absentee ballots to be returned by someone other than the absentee voter. (To Executive Departments)

HB 737, authorizing accumulation of the income of institutional funds or the addition of such income to principal. (To Banks)

HB 819, changing the place for superior court records from a safe to a safe location. (To Judiciary)

HB 878-FN, relative to notification of certain nominees after a state primary election. (To Public Affairs)

HB 722, regulating the use of rail rights-of-way. (To Transportation)

HB 301, increasing certain fish and game license fees. (To Development, Recreation and Environment)

HB 305, relative to the trout season in brooks and rivers. (To Development, Recreation and Environment)

HB 384-FN, making an appropriation to pay the settlement agreement in the case of Nicholls v. New Hampshire. (To Finance)

HB 599-FN, providing for additional pay to nurses at the New Hampshire state prison. (To Finance)

HB 594, relative to insurance information and privacy protection. (To Insurance)

HB 613-FN, to establish a commission on occupational and professional regulation. (To Executive Departments)

HB 589-FN, relative to the penalty for disturbing the trap for a fur-bearing animal which belongs to another trapper. (To Development, Recreation and Environment)

HB 698-FN, reducing the number of persons serving on juries in civil cases to 6. (To Judiciary)

HB 123-FN, relative to sunset review of nursing scholarships, transferring the program to the post-secondary education commission. (To Executive Departments)

HB 129-FN, relative to sunset review of war orphans scholarships. (To Executive Departments)

HB 144-FN, relative to sunset review of the board of architects and board of engineers. (To Executive Departments)

HB 147-FN, relative to sunset review of the cosmetology and barbers boards. (To Executive Departments)

HB 161-FN, relative to sunset review of the nurses registration board. (To Executive Departments)

HB 340-FN, providing for a feasibility study of special access to the Everett turnpike for emergency vehicles at Baboosic lake road or Bedford road. (To Transportation)

HB 380-FN, making an appropriation to the towns of Pittsburg and Clarksville for the purpose of RSA 481:14. (To Finance)

HB 392-FN, making a supplemental appropriation to the office of attorney general to settle the case of Chasse v. Banas. (To Finance)

HB 526-FN, relative to the fee for a nonresident trappers license. (To Development, Recreation and Environment)

HB 550-FN, to establish an inventory program for the identification and preservation of natural areas. (To Development, Recreation and Environment)

HB 789, relative to the duties of the agricultural lands preservation committee. (To Development, Recreation and Environment)

HB 577, limiting the services of the fish and game department to private or public ponds that do not have unrestricted public access. (To Development, Recreation and Environment)

HB 936-FN, establishing a resident super sportsman combination hunting and fishing license for an additional fee. (To Development, Recreation and Environment)

HB 607, authorizing advanced registered nurse practitioners to prescribe medications in certain circumstances. (To Public Inst/Health & Welfare)

HB 611-FN, creating an exemption from licensure requirements involving allowable numbers of residents in certain health facilities and changing the title of RSA 151. (To Pub Inst./Health and Welfare)

HB 826-FN, relative to the recovery of financial assistance, old age assistance and aid to the permanently and totally disabled. (To Public Inst./Health & Welfare)

HB 859, relative to standards and requirements for emergency medical services. (To Public Inst./Health & Welfare)

HB 860, relative to the annual inspection of health facilities. (To Public Inst./Health & Welfare)

HB 769-FN, relative to medicaid and food stamp fraud. (To Public Inst./Health & Welfare)

HB 643, relative to alternate justices serving on the review division of the superior court. (To Judiciary)

HB 658, prohibiting the use of live animals as prizes. (To Development, Recreation and Environment)

HB 732, relative to subdivision approval. (To Public Affairs)

HB 764-FN, exempting certain ski area machinery and equipment from taxation as real property. (To Development, Recreation and Environment)

HB 837-FN, relative to water sewer works in the town of Troy. (To Public Affairs)

HB 883-FN, creating an airport district between the city of Manchester and the town of Londonderry. (To Public Affairs)

HB 896-FN, requiring notice of the exemptions to the resident tax. (To Public Affairs)

HB 905-FN, to limit the money expended by the superior court to the amount appropriated by the county convention. (To Judiciary)

HB 911, relative to the place where records of a board of adjustment must be kept. (To Development, Recreation and Environment)

HB 916, relative to reclassification of a highway in the town of Amherst. (To Transportation)

HB 635-FN, providing adequate safety on highways and surrounding communities when any special event of significance is promoted in the state. (To Public Affairs)

HB 730-FN, relative to competitive bidding and other procedures for major state projects. (To Finance)

HB 768-FN, adopting the NH/VT interstate solid waste compact. (To Interstate)

HB 928-FN, relative to registers of deeds. (To Public Affairs)

HB 909, relative to the effect of retirement pay on and the disqualification for unemployment compensation benefits. (To Internal Affairs)

HB 706, eliminating the requirement that motions and affidavits for summary judgment be sent to parties. (To Judiciary)

HB 832, eliminating the cause of action for alienation of affections of a spouse. (To Judiciary)

HB 923, providing for the issuance of administrative inspection warrants. (To Judiciary)

HB 925, relative to the implied consent law. (To Judiciary)

HB 566, relative to workers' compensation. (To Insurance)

HB 691-FN, bringing unemployment compensation into conformity with federal requirements. (To Insurance)

HB 863-FN, relative to unemployment compensation. (To Internal Affairs)

HB 910, relative to timeliness of filing a claim or an appeal relative to unemployment compensation benefits. (To Internal Affairs)

HB 745, establishing a legislative procedure for executive reorganization and authorizing certain state officials to prepare reorganization plans. (To Internal Affairs)

HB 632-FN, redefining the extended authority agreement for the rendering of mutual aid by police departments. (To Public Affairs)

HB 651-FN, concerning prepayment of resident tax. (To Executive Departments)

HB 654, creating county commissioner districts in Strafford county. (To Public Affairs)

HB 663-FN, relative to the Copple Crown village precinct in New Durham. (To Public Affairs)

HB 686-FN, concerning the form of the property tax inventory blank. (To Public Affairs)

HB 725, concerning verification of eligibility for certain property tax exemptions. (To Internal Affairs)

HB 726, legalizing a vote by the town of Hinsdale to transfer direction and control of the water and sewer department to the selectmen. (To Public Affairs)

Adopted.

VACATE

Senator Blaisdell moved that HB 132 be vacated from Development, Recreation and Environment to the Committee on Finance.

HB 132-FN, relative to sunset review of standardbred breeders and owners development agency.

Adopted.

Sen. Brown moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills ordered to third reading be read a third time by this resolution and that all titles be the same as adopted, and that they be passed at the present time; and that when we adjourn, we adjourn until Tuesday, May 5, 1981 at 1:00 p.m.

Adopted.

LATE SESSION

Third Reading and Final Passage

HB 26, to increase the amount of interest that credit unions and the LaCaisse Populaire Ste-Marie or St. Mary's Bank may charge on loans.

HB 286, relative to the limitations on real estate loans.

HB 89, to eliminate the usury law relative to automobile loans.

Adopted.

Sen. Brown moved that the work of the day being completed, that we recess for the sole purpose of Referral of House Bills and that when that business is taken care of we then adjourn the Senate until Tuesday, May 5, 1981 at 1:00 p.m.

Adopted.

Recessed at 2:15 p.m.

WEDNESDAY, APRIL 29, 1981

Out of Recess.

Sen. Freese in the Chair.

INTRODUCTION OF HOUSE BILLS

Sen. Brown moved the following resolution:

Resolved, that in accordance with the list in the possession of the Clerk, House Bills numbered 427-FN through HJR 2 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

First and Second Reading and Referral

HB 427-FN, to establish the incorporation of consumer co-operative associations with the state of New Hampshire. (To Public Affairs)

HB 438, relative to insurance companies terminating contracts with their insurance agents. (To Insurance)

HB 555, relative to nonforfeiture benefits of life insurance policies, and reserve valuation standards for life insurance policies and annuity contracts. (To Insurance)

HB 558, extending the registration and certain other requirements of the condominium act to the sale of time sharing interest in condominiums created under RSA 479-A. (To Development, Recreation and Environment)

HB 565, relative to rental security deposits. (To Banks)

HB 668-FN, relative to the industrial development authority. (To Internal Affairs)

HB 697, relative to the measurements of a cord of wood, (TO Public Affairs)

HB 720, relative to interest on property taxes. (To Executive Departments)

HB 751, relative to audits of financial institutions by the bank commissioner. (To Banks)

HB 783, relative to the revocation and suspension of certificates and permits of motor carriers. (To Transportation)

HB 796, relative to gasoline franchises. (To Transportation)

HB 813, relative to joint credit life insurance. (To Insurance)

HB 814-FN, excluding costs of the Seabrook educational center from the utility's rate base. (To Internal Affairs)

HB 843-FN, requiring plain language in contracts and government documents. (To Internal Affairs)

HB 894, to increase the minimum limits of motor vehicle liability insurance for bodily injury and to provide fair and reasonable compensation to citizens of New Hampshire injured by uninsured motorists. (To Insurance)

HB 919, relative to amounts recoverable in suits for unfair methods of competition and unfair or deceptive trade practices. (To Judiciary)

HB 937-FN, permitting the financing of upgrading, construction or repair of railroad lines by the industrial development authority. (To Transportation)

HB 604-FN, establishing liability for educational costs for certain children in residential child care facilities. (To Education)

HB 602, increasing the penalties relative to hazardous wastes, oil spills and hazardous materials. (To Development, Recreation and Environment)

HB 750, relative to clarification of air resources commission procedures. (To Development, Recreation and Environment)

HB 772, concerning regional refuse disposal districts. (To Development, Recreation and Environment)

HB 848, making certain changes in the solid waste statutes. (To Development, Recreation and Environment)

HB 829-FN, amending current use law. (To Development, Recreation and Environment)

HB 696, to register dealers in precious metals, (To Public Affairs)

HB 794, concerning group licenses for dogs. (To Development, Recreation and Environment)

HB 653-FN, relative to nursing home patient accounts. (To Public Inst/Health & Welfare)

HB 752, relative to debtor exemptions and increasing the homestead right. (To Judiciary)

HB 765, permitting court awarded costs and counsel fees in certain cases. (To Judiciary)

HB 834, relative to habitual offenders. (To Judiciary)

HB 873, concerning a type of cruelty to animals, and rescuing victims of it. (To Development, Recreation and Environment)

HB 913, relative to the exclusion of manufactured housing. (To Development, Recreation and Environment)

HB 402-FN, relative to the small scale power facilities finance act. (To Public Affairs)

HB 948, establishing a security force at Laconia state school and training center and clarifying the training requirement for security officers at New Hampshire hospital. (To Public Inst./Health & Welfare)

HB 665, relative to court procedures. (To Judiciary)

HB 66-FN, relative to interest and dividends tax returns and exemptions. (To Ways & Means)

HB 949, legalizing the proceedings authorizing the issuance of certain bonds of the Meriden village water district. (To Executive Departments)

HB 687-FN, changing the deadline for applying for a tax lien for the elderly or disabled. (To Public Affairs)

HB 736-FN, prohibiting reductions in the liability for assessed property taxes and certain fees, except through the abatement process. (To Public Affairs)

HB 831, relative to Wentworth-Douglas hospital in Dover. (To Public Inst/Health & Welfare)

HB 862, limiting transfers of specially appropriated money under the municipal budget law. (To Public Affairs)

HB 904, relative to conversion of seasonal dwellings. (To Development, Recreation and Environment)

HB 787, relative to inspection of pressurized gas containers and the sale of unvented space heaters. (To Transportation)

HB 656, to prohibit the issuing of special liquor licenses at certain gambling events and to allow on-sale licensees to exclude persons under 20 years of age from areas where liquor is served. (To Ways & Means)

HB 702, requiring the submission of a financial statement by the person responsible for a minor's support at certain juvenile proceedings. (To Public Inst/Health & Welfare)

HB 775-FN, relative to suspending an individual from receiving old age assistance or aid to the permanently and totally disabled if property is transferred to avoid recovery. (To Public Inst/Health & Welfare)

HB 825, relative to the termination of parental rights. (To Public Inst/Health & Welfare)

HB 839-FN, making changes in the certificate of need law. (To Public Inst/Health & Welfare)

HB 842, maintaining the confidentiality of hospital committee records required to monitor and improve the quality of patient care. (To Public Inst/Health & Welfare)

HB 856, establishing the women, infants and children (WIC) program. (To Public Inst/Health & Welfare)

HB 857, excluding gifts made to nonprofit health care providers from rate calculations. (To Public Inst/Health & Welfare)

HB 864-FN, creating state liability for the expenses of juveniles confined in state institutions. (To Public Inst/Health & Welfare)

HB 890, relative to nursing homes. (To Public Inst./Health & Welfare)

HB 898-FN, relative to liability for expenses under RSA 169-B, RSA 169-C and RSA 169-D. (To Public Inst/Health & Welfare)

HB 914-FN, requiring courts to consider individualized education program in making placements. (To Education)

HB 924, relative to advertisements for child care services. (To Public Inst/Health & Welfare)

HB 570-FN, making certain changes in the criminal code and criminal procedures. (To Judiciary)

HB 581, providing for community work as an alternative sentence. (To Judiciary)

HB 603, creating mandatory sentences for the felonious use of firearms. (To Judiciary)

HB 634, relative to the transfer of prisoners for psychological, psychiatric, counseling or rehabilitative services. (To Judiciary)

HB 641, relative to the use of deadly force. (To Judiciary)

HB 680, providing for restitution to victims of crimes. (To Judiciary)

HB 721, to revise the corporate statutes. (To Judiciary)

HB 747, relative to the adoption of the model professional corporation act. (To Judiciary)

HB 754-FN, limiting municipal liability claims for property damage. (To Judiciary)

HB 756, relative to the attestation of deeds and mortgages. (To Judiciary)

HB 757-FN, concerning the effective date of certain laws. (To Judiciary)

HB 788-FN, relative to the regulation of racing and to state-wide grand juries. (To Judiciary)

HB 930-FN, relative to proceedings for the appointment of a guardian or conservator. (To Judiciary)

HB 943-FN, relative to fees in the probate court. (To Judiciary)

HB 557-FN, increasing fees for town clerks for collecting motor vehicle permit fees and increasing certain fees related to tax sales. (To Public Affairs)

HB 676-FN, relative to retail sales of wine. (To Internal Affairs)

HB 907, requiring the reporting of income from liquor and wine sales to the state. (To Internal Affairs)

HB 701, relative to the powers of the water supply and pollution control commission. (To Development, Recreation and Environment)

HB 850-FN, relative to the development of hydro-energy production facilities by the water resources board. (To Public Affairs)

HB 921-FN, relative to the powers of the water resources board. (To Public Affairs)

HB 771-FN, changing the procedure for removal of names from the checklist and adding an exception to checklist verification every ten years. (To Executive Departments)

HB 803, redefining abutters and the powers of planning boards. (To Development, Recreation and Environment)

HB 840, relative to political activities by classified and unclassified state employees. (To Executive Departments)

HB 875, relative to filing for nomination in special state elections. (To Executive Departments)

HB 876-FN, establishing a legislative committee to draft a code of ethics for appointed and elected public officials. (To Executive Departments)

HB 877-FN, relative to political expenditures and contributions. (To Executive Departments)

HB 879-FN, relative to the time for changing party affiliation and filing candidacies for the state primary election. (To Executive Departments)

HB 895-FN, relative to requiring the contents of ballot packages to be inspected prior to election day and eliminating the rotation of names on ballots. (To Executive Departments)

HB 899, relative to the reinstatement of certain corporations. (To Judiciary)

HB 920-FN, making several amendments to election laws. (To Executive Departments)

HB 401-FN, creating an exemption from the rooms and meals tax for nonprofit social clubs and fraternal organizations. (To Ways & Means)

HB 521-FN, relative to the tax on meals and rooms. (To Ways & Means)

HB 762-FN, permitting the financing of commercial facilities and water powered electric generating facilities by the industrial development authority. (To Public Affairs)

HB 770-FN, relative to insurance contracts and medical assistance and medicaid claims. (To Insurance)

HB 799, relative to condominiums. (To Public Affairs)

HB 900, relative to regulation of small loans. (To Banks)

CACR 5, relating to the term of governor. Providing that the term shall be four years. (To Executive Departments)

HB 822-FN, establishing a housing finance authority. (To Internal Affairs)

HJR 2, to foster conservation and renewable energy resource development in New Hampshire. (To Development, Recreation and Environment)

Adopted.

Recess 12:05 p.m.

Out of Recess.

Sen. Brown moved the following resolution:

Resolved, that in accordance with the list in the possession of the Clerk, House Bills numbered 112-FN through 512 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE BILLS

First, Second Reading and Referral

HB 112-FN, relative to sunset review of the public utilities commission administration and support. (To Internal Affairs)

HB 140-FN, relative to sunset review of the New Hampshire retirement system. (To Finance)

HB 141-FN, relative to sunset review of the board of accountancy. (To Executive Departments)

HB 153-FN, relative to sunset review of the human rights commission. (To Executive Departments)

HB 171-FN, transferring certain functions of the New Hampshire crime commission to the New Hampshire commission on children and youth. (To Internal Affairs)

HB 173-FN, relative to sunset review of the department of employment security. (To Insurance)

HB 180-FN, relative to sunset review of police standards and training council. (To Internal Affairs)

HB 190-FN, relative to sunset review of the liquor commission – stores. (To Finance)

HB 191-FN, relative to sunset review of the liquor commission – warehouse. (To Finance)

HB 193-FN, relative to sunset review of OHRV program (DRED). (To Development, Recreation & Environment)

HB 208-FN, relative to sunset review of the state prison. (To Public Inst/Health & Welfare)

HB 188-FN, relative to sunset review of the liquor commission – administration. (To Finance)

HB 505-FN, revising certain parts of the business profits tax. (To Ways & Means)

HB 506-FN, relative to the boat tax. (To Ways & Means)

HB 622-FN, relative to the fee schedule for water analyses. (To Ways & Means)

HB 716-FN, to raise the penalty fee for violations of the limited credit laws in the sale of alcoholic beverages. (To Ways & Means)

HB 509, relative to motor vehicle road tolls. (To Finance)

HB 951, establishing a surtax on the business profits tax. (To Ways & Means)

HB 952, taxing the seller on the transfer of real property. (To Ways & Means)

HB 512, imposing a surcharge upon liquor and wines and an additional \$.03 fee upon beverages for use in the prevention and treatment of alcohol and drug abuse and the rehabilitation of drug abusers. (To Finance)

Adopted.

Adjourned 1:05 p.m.

Adopted.

Tuesday, May 5, 1981

The Senate met at 1:00 p.m.

A quorum was present.

Sen. Sanborn in the Chair.

The prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

We call upon You Lord, to instill within us a sense of justice and fair play — as we move along with the issues which face us.

May we all have the intestinal fortitude to stand foresquare upon our own two feet and meet the challenges as they are presented.

Help us to overcome those things which would belittle ourselves and lift us to those heights of accomplishing things well done!

Amen

Senator Blaisdell led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

RECOMMIT

Sen. Mann moved to recommit: HB 596-FN, relative to the mill rate charged for municipal permit fees on motor vehicles. To the committee on transportation.

SEN. MANN: No one showed up for the last hearing. We held the hearing from 9:00 a.m. to 1:00 p.m. No one showed up but we understand now that there are some problems with it and we would like to have it recommitted and hope someone will show up for it.

Adopted.

VACATE

Sen. Monier moved to vacate: HB 937, permitting the financing of upgrading, construction or repair of railroad lines by the Industrial Development Authority; from the Committee on Transportation to the Committee on Internal Affairs.

Adopted.

VACATE

Sen. Monier moved to vacate: HB 635-FN, providing adequate safety on highways and surrounding communities when any special event of significance is promoted in the state; from the Committee on Public Affairs to the Committee on Transportation.

Adopted.

COMMITTEE REPORTS

HB 202-FN, relative to sunset review of council on energy. Inexpedient to legislate. Sen. Wiggins for the committee.

SEN. WIGGINS: Relative to sunset review of the council on energy, their funds are going to be stopped by the federal government. There is another bill coming through that will transfer the council of energy anyway and the funds will be picked up by Public Utilities. So we amended this to make it inexpedient to legislate and I hope the Senate will concur.

Adopted.

HB 222-FN, relative to sunset review of off highway vehicle safety. Inexpedient to legislate. Sen. Wiggins for the committee.

SEN. WIGGINS: There is quite a lot of work to be done on off-highway vehicle safety. We have a study committee that has passed this Senate that is coming up. We will have nine months to get this back in to the Senate before this department expires or passes out of the picture and we hope you will go along with the committee's report and make it inexpedient to legislate.

Adopted.

HB 674, prescribing procedures for termination of certain utility services. Ought to pass. Sen. Podles for the committee.

SEN. PODLES: HB 674 clarifies a conflict which presently exists. When the statute of 363:b was enacted it did not include the enumerated items in this bill. These items have existed in the Public Utilities' rules and regulations for many years. This bill was sponsored at the request of the New Hampshire Utilities' Association. There was no opposition and the committee recommends ought to pass.

Adopted. Ordered to third reading.

SUSPENSION OF RULES

Sen. Mann moved that the rules of the Senate be so far suspended as to allow committee reports on HB 672-FN, HB 547, HB 595-FN, and HB 616 with only one days notice of hearing in the Calendar.

Adopted.

HB 672-FN, relative to establishing a moped operator's license. Ought to pass. Sen. Mann for the committee.

SEN. MANN: All this does is allow people to get a moped license when they don't have any other type of an operating

license. This was put in for some people on the Seacoast. They are elderly and have mopeds and do not wish really to have a regular operating license if they can. The law says that you must have a license to operate a moped so this would give them an opportunity to get a license. The start-up cost on this would be \$2,500 but they expect it to more than pay for itself.

Adopted. Ordered to third reading.

HB 547, providing a period of grace for failing to obey motor vehicle inspection requirements. Ought to pass. Sen. Rice for the committee.

SEN. RICE: SB 547 allows, the analysis is on the front of the bill, says 7 days and the House changed that to 10 days. All it does is allow 10 days grace period from the end of the month in which your vehicle should be inspected. The Department of Safety indicated that last year there were over 20,000 summons issued to New Hampshire motorists who had gone beyond, or who had not had their vehicle inspected during the month. This will, in effect, allow law enforcement officials to give a warning, if you will, within the first 10 days of the succeeding month. The committee unanimously felt that it ought to pass.

Adopted. Ordered to third reading.

HB 595-FN, concerning the minimum fee for the municipal permit for motor vehicle registration and the fee for credit on the permit fee when a motor vehicle registration has been transferred. Inexpedient to legislate. Sen. Lamontagne for the committee.

SEN. LAMONTAGNE: What this bill would do is that it would increase the fees of the permits for \$.50 for the cities and there are cities that have people on salary and therefore the money would go to the town, but there are other collectors that the money would go to. The committee felt that it should be inexpedient to legislate. The Commissioner didn't speak for or against the bill.

Adopted.

HB 616, relative to the exercise of limited police powers by certain persons within the division of safety services. Ought to pass. Sen. Lamontagne for the committee.

SEN. LAMONTAGNE: What this bill does is it gives the office of Fire Marshall police power to arrest. This does not mean that they can have side arms in any way. The most important thing is that you know that arson has been taking place a lot more than ever before and therefore Commissioner Flynn felt that the Fire Marshall's office, especially the inspectors, should have the power of arrest. The inspectors have been having a problem when they investigate a fire to find an arresting officer. Therefore this will grant the Fire Marshall and the inspectors the right to arrest.

Adopted. Ordered to third reading.

INTRODUCTION OF GUESTS

ANNOUNCEMENTS

Sen. Preston spoke under Rule 44.

SEN. PRESTON: I want to speak of the business of the redistricting committees and I want to make it clear that this is not personal to the Chairman because he has taken the time to hold two public hearings and held two additional meetings with this. It seems that the Minority has presented a version of the redistricting for council and Senate districts seem to achieve some numerical justification objectivity in spite of the politics that we fully realize. Our amendments have yet to be heard or discussed in the committee, factually. Not really intended to get at anybody, we are aware that the Majority members have an amendment to which certain Majority members have been privy but as a committee it has not been presented to us so that effectively we are still looking at some bills that we know aren't the real bills. As a courtesy we respectfully request of the President that he allow the committee to review his plan prior to having it appear on the Senate floor. It would have seemed more appropriate

if at today's public hearing the President's proposal could have been presented for public comment and not indicate a fear of letting some daylight in via the public hearings prior to acting on the Senate floor. Realistically we realize the members of the Majority, as in the past, in jerrymandering, will pass their version of any redistricting bill, but frankly our committee hearings thus far have consumed time, achieved nothing, and been a farce, and seem to me to forecast the power play to come. I would just request once again the opportunity for the committee members appointed to review any amendments without any surprises on the floor on the day that we vote on these bills.

Sen. Monier spoke under Rule 44.

SEN. MONIER: I would like to just have the record show that I don't know where Sen. Preston's getting his smoke pot but I will tell you very frankly, I don't have any bill, and I think he knows this. The bill that was presented by my name into the committee, I assume, was at the committee's public hearing this morning. If it was that is the only bill that I presented to anybody if you are speaking about the council bill. The Senate bill, Sen. Brown is the Chairman of the committee, I have not seen a final version of it yet that I know of. I have no intentions of making any surprise scenes, and like Shakespeare says, "Methinks thee protests too much." I'm wondering if whether your Rule 44, Sen. Preston, was not a foretelling of the simply fact that you recognize that the committee might not agree with whatever the Minority report comes up with. Quite frankly I haven't seen a Minority report either. I do know that Sen. Brown and the members of that committee are qualified Senators and I firmly resent this activity on your part ahead of the time and before the committee even meets for executive session, and you are a member of the committee, and I don't know of any executive session that has been held without you being notified. As a matter of fact I don't even know that one has been held. So I don't believe that those kinds of statements under Rule 44 or anything else are necessary on this floor to cast aspiations or pretend that something is going to happen simply because you would hope that it would not happen.

Sen. Brown spoke under Rule 44.

SEN. BROWN: As you all know, in the last days of introduction of bills this Senate introduced or put in the last two days over 200 bills. You all know what kind of a work load that has put on all of us. The same thing has happened to the reapportionment bills. My committee has not been able to get together as a whole. I explained it at the the hearing I had last week. I also explained it at the hearing this morning, that as soon as I could get the whole committee together we would have the executive session. Anybody who had any plans, any desires, or any requests or input or whatever, we would do as we do with all bills in the twelve years that I have been here, in executive session we discuss the pros and the cons and take suggestions for amendments. We will do exactly the same thing with these bills. I have been trying to get executive session. You know the work load we are under. I guarantee you that we will do it before the day that all bills have to be out of this body.

Sen. Brown moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills ordered to third reading be read a third time by this resolution and that all titles be the same as adopted, and that they be passed at the present time; and that when we adjourn, we adjourn until Thursday, May 7, 1981 at 1:00 p.m.

Adopted.

LATE SESSION

Third Reading and Final Passage

HB 674, prescribing procedures for termination of certain utility services.

HB 672-FN, relative to establishing a moped operator's license.

HB 547, providing a period of grace for failing to obey motor vehicle inspection requirements.

HB 616, relative to the exercise of limited police powers by certain persons within the division of safety services.

Adopted.

Sen. Stephen moved the Senate adjourn at 1:50 p.m.

Adopted.

Thursday, May 7, 1981

The Senate met at 1:00 p.m.

A quorum was present.

The prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Let Thy Voice Ring Out among us Lord, as we wrestle with ourselves to arrive at the right conclusions to the legislation at hand.

May we be broad-minded and consider the end results which are for the benefit of all.

Help us to share fully with our fellow citizens and keep them in mind as we ponder over the answers which are necessary to meet the crucial needs at this time.

Help us Lord!

Amen

Senator Kelly led the Pledge of Allegiance.

HOUSE MESSAGES

Sen. Brown moved the following resolution:

Resolved, that in accordance with the list in the possession of the Clerk which corresponds to the list on your desks, House Bills numbered 363-FN through 475-FN shall be by this resolution read a first and second time by the therein listed titles, laid

on the table for printing and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE BILLS

First, Second Reading and Referral

HB 363-FN, to implement the voluntary comprehensive health education model curriculum and making an appropriation therefor. (To Public Inst/Health & Welfare)

HB 406-FN, establishing a contribution for use in the management of wildlife. (To Development, Recreation & Environment)

HB 302, classifying Dublin road in the town of Jaffrey as a class II highway. (To Transportation)

HB 321-FN, making a special appropriation for the Candia-Raymond project. (To Finance)

HB 468-FN, enabling towns to levy a hazardous waste disposal fee and creating municipal waste facility review committees. (To Development, Recreation & Environment)

HB 21-FN, relative to the militia and making an appropriation therefor. (To Public Affairs)

HJR 1, to refund certain return fees and franchise fees to Western World Insurance Company, Inc., of Ramsey, New Jersey. (To Finance)

HB 336-FN, relative to providing a capital appropriation for the police standards and training council facility. (To Finance)

HB 351-FN, establishing a driver retraining program. (To Judiciary)

HB 361-FN, providing for the preservation of Rhododendron cottage. (To Finance)

HB 417-FN, renewing the committee studying regional districts in the state and making an appropriation therefor. (To Development, Recreation & Environment)

HB 429-FN, permitting the commissioner of health and welfare to establish patient support accounts for former residents of the New Hampshire hospital and the Laconia state school and training center. (To Public Inst/Health & Welfare)

HB 441-FN, regarding the responsibilities of the council on resources and development. (To Development, Recreation & Environment)

HB 456-FN, relative to hazardous waste, including the creation of the New Hampshire hazardous waste cleanup fund, and making an appropriation therefor. (To Development, Recreation & Environment)

HB 463-FN, relative to aquatic weed control. (To Development, Recreation & Environment)

HB 466-FN, relative to funding domestic violence programs. (To Public Inst/Health & Welfare)

HB 368-FN, to provide the New Hampshire Veterans' Home classified employees a differential pay increase and making an appropriation therefor. (To Finance)

HB 385, relative to the construction of the Franklin-Laconia bypass including a bridge in the City of Franklin over the Pemigewasset River between Route 3-A and 127. (To Transportation)

HB 518-FN, establishing the capital budget overview committee as a statutory committee. (To Finance)

HB 727, making an appropriation for capital improvements. (To Finance)

HB 833-FN, establishing a New Hampshire river conservation program. (To Finance)

HB 906, restricting smoking in enclosed public places. (To Internal Affairs)

HB 933, authorizing the financing of nonprofit nursing homes. (To Public Inst/Health & Welfare)

HB 944-FN, implementing the state solid waste plan. (To Development, Recreation & Environment)

HB 366-FN, relative to the building projects revolving fund for technical and vocational-technical schools and making an appropriation for regional vocational education tuition and transportation. (To Education)

HB 424-FN, creating the New Hampshire energy finance authority. (To Internal Affairs)

HB 459-FN, relative to cost of living increases in the New Hampshire retirement system and making an appropriation therefor. (To Finance)

HB 480-FN, restructuring the management of the department of centralized data processing. (To Public Affairs)

HB 482-FN, requiring the sweepstakes commission to license beano games and sales of lucky 7 tickets and making an appropriation therefor. (To Finance)

HB 494-FN, to encourage productive agriculture within the state. (To Development, Recreation & Environment)

HB 499-FN, authorizing certain actions to establish programs in industrial and computer technologies. (To Education)

HB 500-FN, relative to library services to the handicapped. (To Public Inst/Health & Welfare)

HB 503-FN, providing for suggestion and incentive awards. (To Public Affairs)

HB 523-FN, providing for a personnel evaluation for the purpose of classifying deputy registers of probate. (To Finance)

HB 539-FN, to establish a division of occupational and professional services. (To Executive Departments)

HB 548-FN, relative to the employment of assistant chief engineer-administrator positions in the water supply and pollution control commission. (To Development, Recreation & Environment)

HB 576-FN, increasing to eight the number of members from New Hampshire on the New England Board of Higher Education. (To Education)

HB 605, relative to the office space study committee. (To Internal Affairs)

HB 609, increasing the bonding authority of the New Hampshire transportation authority railroad division. (To Internal Affairs)

HB 615, relative to involuntary admission and involuntary emergency hospitalization. (To Public Inst/Health & Welfare)

HB 650-FN, concerning payments to the art fund from capital budget projects. (To Finance)

HB 718-FN, providing for discount sales of liquor to on-sale permittees. (To Ways & Means)

HB 733-FN, concerning the state college and university system. (To Education)

HB 742-FN, relative to aid to certain professional school students. (To Education)

HB 755-FN, merging the New Hampshire permanent firemen's retirement system with the New Hampshire retirement system on the condition that terminal funding for disability retirement, accidental death, and ordinary death benefits is adopted. (To Finance)

HB 828-FN, establishing the joint legislative historical committee as a standing committee. (To Internal Affairs)

HB 836-FN, providing for the forgiveness of capitation fees for certain veterinary graduates. (To Education)

HB 861-FN, establishing a system of regulation and information gathering for well installations. (To Finance)

HB 893-FN, relative to a unified court system and continuing the appropriation of the select commission to examine a unified court system. (To Judiciary)

HB 935, inserting a new special education program. (To Education)

HB 359-FN, providing for a statewide library development system. (To Public Inst/Health & Welfare)

HB 475-FN, establishing a forest resources planning act. (To Development, Recreation & Environment)

SEN. CHANDLER: All the waves I've been hearing from the House of Representatives have been that the state was very short of funds and they didn't have enough money for many programs. Therefore I am rather surprised to see them dump on us such a long list of spending bills. It seems to me that they are trying to pass the hard decisions on to us instead of doing it themselves.

Adopted.

HOUSE CONCURS

SB 68, concerning state and town bridge aid.

SB 20-FN, raising the rental rate chargeable to the state for the leasing of liquor merchandising facilities and making an appropriation therefor.

HOUSE CONCURS WITH SENATE AMENDMENTS

HB 26, to increase the amount of interest credit unions may charge on loans.

HB 286, relative to the limitations on real estate loans.

HB 89, to eliminate the usury law relative to automobile loans.

HOUSE NON-CONCURS

SB 37, creating the crime of criminal declaration and eliminating the competing harms justification for certain situations.

ENROLLED BILLS REPORT

SB 20, raising the rental rate chargeable to the state for the leasing of liquor merchandising facilities and making an appropriation therefor.

HB 26, to increase the amount of interest that credit unions and the LaCaisse Populaire Ste-Marie or St. Mary's Bank may charge on loans.

HB 89, to eliminate the usury law relative to automobile loans.

HB 286, relative to the limitations on real estate loans.

HB 674, prescribing procedures for termination of certain utility services.

SB 68, concerning state and town bridge aid.

HB 50, to provide an emergency appropriation for the supreme court operating budget and for the state library.

HB 223, relative to sunset review of the department of revenue administration — community services.

SB 54, limiting the use of power boats on Grafton pond in the town of Grafton.

Sen. Lamontagne for the committee.

ENROLLED BILLS AMENDMENT

HB 100, an act to recodify the motor vehicle laws. Sen. Wiggins for the committee.

SEN. WIGGINS: The first amendment adds a new section inserted by HB 35 (Chapter 76).

The second and third amendments make changes in the law contained in HB 49 (Chapter 77).

The fourth, fifth, sixth and seventh amendments correct typographical errors in the bill.

The eighth and ninth amendments make a change necessitated by the enactment of SB 34 (Chapter 55).

The tenth amendment changes a section to conform to HB 41 (Chapter 82).

The eleventh amendment changes some citations overlooked in HB 100.

The twelfth through sixteenth amendments are changes in citations caused by the highway recodification in SB 11.

The seventeenth amendment deletes sections in the bill which are no longer necessary since SB 11 has become law.

The eighteenth and nineteenth amendments make changes in cross-references contained in Title XX.

Enrolled Bill Amendment to HB 100

Amend RSA 260 as inserted by section 1 of the bill by inserting after section 6 the following new section:

260:6-a Administrative Review of Sanctions Against Inspection Stations. In all cases in which a sanction is imposed by a hearings officer against an official inspection station for violation of the rules relative to inspection stations and the sanction involved a loss of inspection privileges for a period of greater than 20 days, any party aggrieved by the decision may, prior to seeking the remedies provided in RSA 541, request administrative review of the decision by the commissioner or his designee. The commissioner or his designee shall affirm or modify such sanction as justice may require.

Amend RSA 261:4, II as inserted by section 1 of the bill by striking out line 11 and inserting in place thereof the following:

courtesy delivery shall prepare the title application and

Amend RSA 261:13 as inserted by section 1 of the bill by striking out line 19 and inserting in place thereof the following:

who makes a courtesy delivery shall prepare the title

Amend RSA 266:18, X as inserted by section 1 of the bill by striking out line 4 and inserting in place thereof the following:

$$W = 500 \left[\frac{LN}{N - 1} + 12N + 36 \right]$$

Amend RSA 266:18, X as inserted by section 1 of the bill by striking out line 17 and inserting in place thereof the following:

formula $W = 500 \left[\frac{LN}{N-1} + 12N + 36 \right]$ when expressed in tabular form results

Amend RSA 266:18, X as inserted by section 1 of the bill by striking out line 34 and inserting in place thereof the following:

51

80,000

Amend RSA 266:18, XVI as inserted by section 1 of the bill by striking out line 2 and inserting in place thereof the following:

set forth in paragraphs VIII and IX the director shall, in cases where the

Amend RSA 266:18 as inserted by section 1 of the bill by striking out paragraph XVII.

Amend RSA 266:18, XVIII as inserted by section 1 of the bill by striking out line 1 and inserting in place thereof the following:

XVII. Notwithstanding any other provision of law to the contrary,

Amend RSA 266:83 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

266:83 Manufacturing Specification Requirements.

I. No person shall sell, offer to sell or drive in this state, a snow traveling vehicle manufactured after July 1, 1981, unless it meets the minimum safety standards for snowmobile product certification of the Snowmobile Safety and Certification Committee in effect at the time of its manufacture, including the standards covering seats, controls, brake systems, fuel systems, shields and guards, electrical systems and lighting, reflectors, handgrips and general hazard requirements. Proof of compliance with the requirements of this section shall be in the form of certification by a qualified independent testing company which is not affiliated with the manufacturer and is approved by the commissioner.

II. No person shall sell, offer to sell or drive in this state a snow traveling vehicle manufactured after January 1, 1973, which produces a sound level:

(a) If manufactured between January 2, 1973, and June 30, 1978, inclusive, of 82 decibels or more on the "A" scale when measured in accordance with the provisions of the Society of Automotive Engineers Recommended Practice, J-192a, "Exterior Sound Level for Snowmobiles";

(b) If manufactured on or after July 1, 1978, of 73 decibels or more on the "A" scale when measured in accordance with the Society of Automotive Engineers Recommended Practice, J-1161, "Operational Sound Level Measurement Procedure for Snow Vehicles."

III. No person shall drive an OHRV, excluding snow traveling vehicles, manufactured after January, 1973, which produces a sound level in accordance with Motorcycle Industry Council sound test procedures:

(a) If manufactured between January 1, 1973, and December 31, 1974, inclusive, of 88 decibels or more on the "A" scale.

(b) If manufactured between January 1, 1975, and December 31, 1982, inclusive, of 86 decibels or more on the "A" scale.

(c) If manufactured on or after January 1, 1983, of 78 decibels on the "A" scale.

IV. Sound pressure levels in decibels shall be measured on the "A" scale of a sound level meter having characteristics defined by American National Standards Institute S1.4-1971 "Specification for Sound Level Meters."

V. No person shall modify the manufacturer's specified exhaust system of any OHRV in any manner which will increase or amplify the noise emitted above that emitted by the original muffler.

Amend section 9 of the bill by inserting after paragraph XXVII the following new paragraphs:

XXVIII. RSA 358-F:1, IV by striking out in line 2 the number "259:1, XVII" and inserting in place thereof the following (259:60, I);

XXIX. RSA 358-F:2 by striking out in line 3 the number "260:52-a" and inserting in place thereof the following (266:8).

Amend RSA 261:147 as inserted by section 1 of the bill by striking out line 4 and inserting in place thereof the following:

provided in RSA 228:25.

Amend RSA 261:154 as inserted by section 1 of the bill by striking out line 20 and inserting in place thereof the following:

provided in RSA 231:114-129.

Amend RSA 265:60, II(c) as inserted by section 1 of the bill by striking out line 3 and inserting in place thereof the following:

city or town as defined in RSA 229:5, IV;

Amend the introductory paragraph of RSA 265:128 as inserted by section 1 of the bill by striking out line 1 and inserting in place thereof the following:

The provisions of RSA 236:56 shall apply to all OHRV's as herein defined

Amend RSA 265:128, VI as inserted by section 1 of the bill by striking out line 3 and inserting in place thereof the following:

provided in RSA 236:56, the one-way distance traveled in such public

Amend the bill by striking out sections 3-6 and renumbering sections 7-11 to read as 3, 4, 5, 6 and 7 respectively.

Amend paragraphs X-XIV of section 5 of the bill by striking out the same and inserting in place thereof the following:

X. RSA 228:42 by striking out in line 4 the numbers "265:4-a and 265:22, I-a" and inserting in place thereof the following (260:33 and 260:52, II);

XI. RSA 235:36 by striking out in lines 3 and 11 the numbers "265:4-a and 265:22, I-a" and inserting in place thereof the following (260:33 and 260:52, II);

XII. RSA 236:91, IV by striking out in line 6 the words and numbers "260:45 through 260:52" and inserting in place thereof the following (261:104);

XIII. RSA 231:116 by striking out in line 19 the number "260:27-b" and inserting in place thereof the following (261:154);

XIV. RSA 231:119 by striking out in line 9 the number "260:27-b" and inserting in place thereof the following (261:154);

Amend the bill by striking out section 7 and inserting in place thereof the following:

7 Cross-References in Title XX Amended. Amend the following sections and paragraphs:

I. RSA 228:42 by striking out in line 4 the numbers "260:32 and 260:51" and inserting in place thereof the following (265:4-a and 265:22, I-a);

II. RSA 235:36 by striking out in lines 3 and 11 the numbers "260:32 and 260:51" and inserting in place thereof the following (265:4-a and 265:22, I-a);

III. RSA 236:91, IV by striking out in line 6 the words and numbers "261:104 through 261:112" and inserting in place thereof the following (260:45 through 260:52);

IV. RSA 231:116 by striking out in line 19 the number "261:157" and inserting in place thereof the following (260:27-b);

V. RSA 231:119 by striking out in line 9 the number "261:157" and inserting in place thereof the following (260:27-b).

8 Effective Date.

I. Sections 1-5 of this act shall take effect January 1, 1982.

II. Sections 6 and 7 of this act shall take effect upon its passage.

Amendment adopted.

SB 19, an act relative to the Spaulding extension. Sen. Wiggins for the committee.

SEN. WIGGINS: This amendment renumbers the affected section to correspond to the highway law recodification bill passed earlier in the session.

Enrolled Bill Amendment to SB 19

Amend section 1 of the bill by striking out line 1 and inserting in place thereof the following:

1 Repeal. RSA 237:16 relative to the opinion of a state environmental

Amendment adopted.

SB 22, an act relative to relocation payments as a result of persons displaced from their property for highway development. Sen. Wiggins for the committee.

SEN. WIGGINS: This amendment renumbers the affected sections to correspond to the highway law recodification bill passed earlier in the session.

Enrolled Bill Amendment to SB 22

Amend section 1 of the bill by striking out line 1 and inserting in place thereof the following:

1 Relocation Payments. Amend RSA 230:35 by inserting after paragraph

Amend section 2 of the bill by striking out line 1 and inserting in place thereof the following:

2 Repeal. RSA 230:35, III(c), relative to actual reasonable expenses.

Amendment adopted.

HB 40, an act relative to fish and game matters. Sen. Wiggins for the committee.

SEN. WIGGINS: The amendment updates reference to the head of the fish and game department from director to executive director in accordance with 1977, 560.

Enrolled Bill Amendment to HB 40

Amend RSA 206:11 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

206:11 — Hearings as to. Once each biennium, in the odd-numbered year, the executive director shall hold public hearings to hear suggestions from the public on changes in the fishing rules and regulations or on any other subject with respect to his duties. Such hearing shall be held at the superior courthouse in Concord commencing at 7:00 p.m. on the first Monday in June, and at the superior courthouse at Lancaster on the following Friday commencing at 7 p.m. Public notice of said hearings shall be published at least twice in 2 newspapers having general circulation throughout the state, and in such other newspapers, magazines, or circulars as the executive director may deem desirable, between the dates of May 1 and May 30 immediately prior to the public hearing. It shall be the duty of the members of the commission to be in attendance at such hearings. In the event of the illness of the executive director, or a majority of the commission not being present, or other unforeseen contingency, such hearings shall be adjourned or postponed. In the event of such adjournment or postponement, notice of the time of subsequent hearing shall be posted at such courthouse and given such other publicity as the executive director shall deem proper to give adequate notice thereof to interested parties. The executive director may in his discretion conduct other public or private hearings throughout the year upon petition of interested parties. At the biennial hearings held at Concord and Lancaster and at other public hearings that the executive director shall hold in accordance with the provisions of this section, any person having any testimony to present which bears upon the power and authority of the executive director under the provisions of this title shall be given full opportunity to be heard, and the executive director shall cause a complete stenographic record to be kept of all testimony taken.

Amendment adopted.

HOUSE REQUESTS CONCURRENCE WITH
HOUSE AMENDMENT

SB 44, relative to disclosure of security takeovers.

Sen. Freese moved nonconcurrence and requested a committee of conference.

Adopted.

The Chair appoints Senators Freese, Bergeron and Champagne.

HOUSE REQUESTS CONCURRENCE WITH
HOUSE AMENDMENT

SB 36, providing for a 3-day hunting season for moose.

Senator Wiggins moved concurrence.

SEN. PRESTON: I would just like an explanation of the change in the bill made by the House.

SEN. LAMONTAGNE: The House Appropriations Committee has put on some revenue and at the same time they have shortened the length of this bill. In other words this bill would have to come back in two years instead of three. The House Appropriations Committee also put a lottery on it with no more than 25 moose to be taken in one season. The House Appropriations Committee further amended the bill to leave it up to the Director of Fish and Game to set a season this year if it meets with the approval of the Director of Fish and Game.

SEN. PRESTON: We passed that bill as I understand it that left the hunting of moose up to the discretion of the Director of Fish and Game and the Commissioner. I personally oppose a lottery as has been enacted in Maine and I just want to voice myself on the record as opposed to the lottery as it has been recommended.

SEN. WIGGINS: This amendment will not do very much harm to the moose herds and it may create a little additional revenues that they need in the Fish and Game Department. I urge the Senate to go along with this amendment.

Adopted.

HOUSE REQUESTS CONCURRENCE WITH HOUSE AMENDMENT

SB 16, to continue the existence of the planning and zoning study committee through the next biennium ending June 30, 1983.

Sen. Brown moved non-concurrence and requested a committee of conference.

Adopted.

The Chair appoints Senators Brown, Monier and Stephen.

COMMITTEE REPORTS

HB 371, prohibiting the taking of wild bear or the training of dogs to take bear within $\frac{1}{4}$ mile of any public disposal facility. Inexpedient to legislate. Sen. Wiggins for the committee.

SEN. WIGGINS: First we were going to pass this bill and then we looked into the situation a little more. The Chairman of the Fish and Game Department came over and talked to us and he asked us to make it inexpedient to legislate because of the flack that was being created about it. So we ask the Senate to go along with out finding of inexpedient to legislate after we investigated it very thoroughly.

Adopted.

HB 408-FN, relative to the issuance of agricultural registrations. Ought to pass. Sen. Wiggins for the committee.

SEN. WIGGINS: This has to do with the registration of tractors and agricultural vehicles so they can travel the certain distance of the farm. This leaves the registration with the town clerk or city clerk. We find it a good bill and recommend passage.

Adopted. Ordered to third reading.

HB 280, limiting hunting in Meredith Neck to shotguns, muzzle loaders and bow and arrow. Ought to pass. Sen. Wiggins for the committee.

SEN. WIGGINS: We had a hearing on this and this is a very populated area. It is two miles wide and is quite long. There is a lot of build-up and development, and houses and we found this more adaptable to shotgun hunting than rifle hunting and so we recommend passage of this bill.

SEN. CONLEY: Does that include cross-bows?

SEN. WIGGINS: Yes it does. Anything but a rifle.

Adopted. Ordered to third reading.

HB 309, requiring persons engaged in hunting of deer with a firearm to wear an outer garment of clothing in a color known as hunter orange. Inexpedient to legislate. Sen. Wiggins for the committee.

SEN. WIGGINS: We held an extensive hearing on this. This bill was sponsored by the Fish and Game Department by a couple of ladies. I have got to say that I cannot agree with them. I have been a hunter and a fisherman all my life. I have hunted the woods all through New Hampshire, all through Maine, Vermont, and into Canada and around. I have guided. I think this bill would give all the hunters a license to shoot anything that doesn't wear blaze orange. We have had hunting accidents where the child was riding a bicycle down the road and the children out in the road wouldn't prevent this kind of accident. The hunter that shoots a person has no business being in the woods in the first place. He is susceptible to excitement and not watching what he is doing. He has no animal recognition. An animal doesn't look like a human being. In all my life I have never been able to correlate the two to look the same, a human being to look like an animal. The committee report was four to one as inexpedient to legislate. There will be a motion later after we have some more testimony on this.

SEN. HOUGH: I wish to speak today in opposition to the committee report of inexpedient to legislate. I speak today in regard to this bill very deeply and personally moved by an occurrence that happened in my community. I will

admit that I have lost all objectivity on this issue. Last fall a young man who was my age, started in kindergarten with me, played sports throughout school, went into the woods in the morning with his son. His son had on the hunter orange color, he did not. At approximately 9:00 a.m. he was shot to death. His widow and children live next door to me. The Fish and Game Department investigated this tragedy. As a result of their investigation there would be strong indication that he would undoubtedly be alive today had he had on this hunter orange. I am not a hunter. I have great respect for Sen. Wiggins and his committee on this subject matter. But I think that very definitely this is a piece of safety equipment that should be used by people who go into the woods. I also am very sensitive to the fact that the one area you can get in trouble with in the state of New Hampshire is dealing with legislation relative to sportsmen. I have always taken their advice. I have always taken the advice of people like Sen. Wiggins. I just can't help but think that there would not be a widow with four children today in Lebanon had a piece of legislation relative to this hunter orange been enforced a year ago.

SEN. LAMONTAGNE: You kept telling us about orange. Could you tell us whether the gentleman had any red on?

SEN. HOUGH: It is my understanding that the clothing that he did wear was most inappropriate to hunting in general. The fact is that this bill addresses itself to requiring hunters to use a color of clothing that apparently throughout the nation has proved successful. We are talking about this color in this bill.

SEN. LAMONTAGNE: As you know there are a lot of hunters that wear red. Would it make any difference whether it was red or orange?

SEN. HOUGH: I wouldn't be in a position to know. I am not a hunter myself. I know this bill addresses itself to a color that has proved successful in reducing hunting accidents throughout the nation. As I say I have no knowledge of other colors whether it be highway yellow. This is talking about hunters' orange.

Sen. Boyer moved that HB 309 be referred to Interim Study.

SEN. BOYER: I think that this bill deserves further consideration and further study. Given the other issues that have been facing the Legislature because of the fiscal situation, redistricting and other serious matters, and sunset, which we haven't normally faced I think that we ought to give this a more thorough examination and I would ask that the Senators support this motion.

SEN. WIGGINS: I will agree to send it to interim study and I urge the Senate to so vote.

Adopted. Referred to interim study.

HB 437, changing the dates for annual school district meetings and for notifying certain teachers concerning their renomination for the next school year. Ought to pass. Sen. Kelly for the committee.

SEN. KELLY: HB 437 calling for the changing of dates actually changes the dates for notifying a teacher who has taught for one or more years. It moves this date from March 15 to March 31. A change of only 15 days. It also changes the date between school district annual meetings that must be held to read between March 1 and March 25. The bill provides that those districts electing officers at a town meeting may still do so. Some of the purposes behind this is that some districts presently notify all teachers that they will not be renominated for their positions in order to protect themselves in the coming year before the budget is out. It is a bad moral problem with the teachers. It is a bad moral problem with the students. The residents of the district become upset and generally bad publicity is created. We had only one person testifying in opposition to the bill, although the New Hampshire Education Association did go on record in opposition also. But your school boards, administrative people, all came and spoke in behalf of the bill. The committee recommends ought to pass.

Adopted. Ordered to third reading.

HB 631-FN, permitting the establishment of student loan corporations. Ought to pass. Sen. Kelly for the committee.

SEN. KELLY: HB 631-FN permits the establishment of student loan corporations on individual colleges. It was pointed out quite effectively that with the expected cutbacks on the federal level of federal loans to students that colleges and universities could therefore set up their own corporations and perhaps replace or take up some of the slack that is going to occur when the cuts in the federal loans do take place. The committee recommended ought to pass.

Adopted. Ordered to third reading.

SB 60, providing for the acquisition of certain dams and water rights and repair therefor by the water resources board and making an appropriation therefor. Ought to pass. Sen. Sanborn for the committee.

SEN. SANBORN: Basically what this bill does is it establishes a \$1.3 million bonding issue over a twenty year period for the repair and restoration of certain dams that are listed in the bill. It is interesting to note that when the bill was drawn, if you will take a look at section VI on page 3, that it refers to the bond retirement but the funds may be made available where the revenues to the state resulting from hydro-electric leasing programs for the state-owned dams will be credited to a long-acting fund to pay off this bond issue. We must realize that through federal inspections nowadays that many of these dams, in fact one or two of them already have been breeched and the water allowed to go out of those dams. We must also remember that within this state, right here in the city of Concord right now, you have a serious water shortage. They have a water shortage in the Seacoast area. There are more water shortages occurring all the time. The more we let these lakes disappear and the dams to be breeched and so forth, the more serious problems we are going to have with water in the future of this state. I urge that the Senate pass SB 60.

Adopted. Ordered to third reading.

SB 120-FN, establishing a boxing and wrestling commission and making an appropriation therefor. Ought to pass. Sen. Preston for the committee.

SEN. PRESTON: This bill refers to the Boxing and Wrestling Commission. There is a \$1,500 appropriation and the anticipated revenues to be raised of \$2,000. I respectfully defer to Sen. Stephen for an explanation of the bill.

SEN. STEPHEN: Boxing has been regulated by law in New Hampshire since 1929, wrestling in 1936. No boxing bout may be held within the state without the sanction of the State Athletic Commission. Any sponsor of boxing or wrestling bouts must obtain a promoters license from the Commission. For those who are not familiar with the State Athletic Commission, it may come as a pleasant surprise to you to find out that the Athletic Commission brings in more money to the state than it spends. In fiscal 1980 the Athletic Commission spent \$446.16 and brought into the state \$3,713. That's not a bad return. The revenue is also obtained by several sources. Every promoter is charged \$10 for any event license and each boxer or wrestler is charged \$5 for a license. The Commission also charges 5% of the gross receipts for any promoters.

SEN. BLAISDELL: I was politely asked to leave the Athletic Commission by the former governor. I was replaced by Penny Pitou. Can you tell me where Penny is now?

SEN. STEPHEN: She's running a ski . . .

SEN. BLAISDELL: Senator, you mean to tell me you don't know who Penny Pitou is?

SEN. STEPHEN: I've heard of her.

Adopted. Ordered to third reading.

SB 204-FN, making appropriations to expand the nursing programs at the technical institute and at the vocational-technical colleges. Ought to pass. Sen. Roy for the committee.

SEN. ROY: SB 204-FN appropriates various sums of money to the different vocational-technical institutes and colleges. Since this program would assure an adequate supply of well-trained nursing personnel who elect to work and remain here in New Hampshire and to provide important quality and level of care for our New Hampshire citizens, the Finance Committee very highly supports the concept of expanding these nursing programs within the state. Funding for the programs will be considered in the final budgetary process.

Adopted. Ordered to third reading.

SB 170, providing a salary grade increase for Laconia state school employees authorized to administer medication. Ought to pass. Sen. Roy for the committee.

SEN. ROY: If you recall SB 170 came through from the Committee on Public Institutions, Health and Welfare. It's purpose is to give a \$5 per employee at the Laconia State School who has passed a test after taking a training course for administering certain medications. The total for the biennium would cost about \$87.4 thousand. Once again it is another bill that we would like to look at more closely in the final budgetary process. The committee hopes that you will concur with ought to pass.

Adopted. Ordered to third reading.

ANNOUNCEMENT

HB 132-FN, which is being reported out today, by prior agreement with the House, will now carry a new Senate Bill No. This is for the purpose of control in the handling of the necessary paper work involved.

Any Sunset Bill that has been made inexpedient to legislate, by the House will be handled in this manner if the Senate wishes to take different action.

COMMITTEE REPORTS

SB 400-FN, relative to sunset review of the standardbred breeders and owners development agency. Ought to pass. (Formerly HB 132-FN) Sen. Preston for the committee.

SEN. PRESTON: This in effect renews the Sire Stakes Program. They were well attended hearings indicating the benefits to the state and we urge your support of the motion ought to pass.

Adopted. Ordered to third reading.

SB 66-FN, relative to service retirement credit for Maurice Remillard and making an appropriation therefor. Inexpedient to legislate. Sen. Hough for the committee.

SEN. HOUGH: The committee very carefully took consideration of this bill. It is an individual bill dealing with a former state employee. The position of the committee was that Mr. Remillard understood the condition wherein he would assume the state's share in going into the system for these extra years. His attempt now is to get those dollars back. The point we must keep in mind with regard to the retirement system and protecting the integrity of the retirement system is that there are approximately 360 other state employees out there that would conceivably have the same request. Irregardless of what is fair, it must be recognized that this individual understood the situation when he went in and his attempt now is to recover what he put in and considered being the state's share. The ground rules were very clear when he initially went in and this certainly is not the time, with all our other financial problems, to start making exceptions. There are other people behind this bill. The committee reluctantly took the position that we would have to recommend this piece of legislation be report inexpedient to legislate.

Adopted.

SB 56-FN, making an appropriation to the department of public works and highways. Inexpedient to legislate. Sen. Mann for the committee.

SEN. MANN: We met in Senate Finance on this. This has a \$15,000 appropriation attached to it. It is an emergency appropriation that can be expended only if additional cold weather occurs. The Governor has a contingency fund that can be used for emergencies like this and all this would do is set up another contingency fund. The committee felt it would be best to vote this out inexpedient to legislate.

Adopted.

SB 282-FN, relative to the transfer of prison guards at county jails and houses of correction from group I to group II of the New Hampshire retirement system. Inexpedient to legislate. Sen. Hough for the committee.

SEN. HOUGH: The committee took into consideration the employees of county jails in regard to the fiscal impact at this time. Again we reluctantly took the position that we should report this bill as inexpedient to legislate. It would impact the retirement by \$260,000 per biennium. We did not feel that we were in a position to do that at this time.

Adopted.

SB 291-FN, establishing an interim committee to study controls for off highway recreational vehicles and making an appropriation therefor. Ought to pass with amendment. Sen. Hough for the committee.

SEN. HOUGH: The committee took the position on this bill that we would amend out the \$10,000 appropriation. There is no question that the committee should be established to work in the OHRV area. We are very confident that there are a goodly number of sincere New Hampshire citizens out there that have a very strong interest in this area that would be more than willing to contribute their time to the State of New Hampshire. We felt that this was a subject matter that should go forward but that it could be done without the \$10,000 appropriation.

Amendment to SB 291-FN

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

establishing an interim committee to
study controls of off highway recreational vehicles.

Amend the bill by striking out all after section 1 and inserting in place thereof the following:

2 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted. Ordered to third reading.

SB 121-FN, relative to the commission to develop a statewide water policy and making an appropriation therefor. Ought to pass with amendment. Sen. Preston for the committee.

SEN. PRESTON: This act is relative to the commission to develop a statewide water policy. The amendment merely strikes out the appropriation of \$5,000 and continues the commission as it was.

Amendment to SB 121-FN

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to the commission to develop
a statewide water policy.

Amend the bill by striking out all after section 3 and inserting in place thereof the following:

4 Effective Date. This act shall take effect upon its passage.

Amendment adopted. Ordered to third reading.

SJR 1-FN, creating a new special committee to study revenue reform at all levels of government. Ought to pass with amendment. Sen. Roy for the committee.

SEN. ROY: The Joint Resolution will establish a new, special committee to study revenue reform at all levels of government. If you recall in the last session of the Legislature we did also establish a committee to do just that. For reasons beyond our control the committee did not complete its work. However, SJR 1 contained a request for an appropriation of \$10,000. The Finance Committee saw fit to re-

move that appropriation and to applaud the committee for wanting to review. We hope you will support the bill.

Amendment to SJR 1

Amend the resolution by striking out paragraphs VI and VII after the resolving clause and inserting in place thereof the following:

VI. That the purposes of the committee shall be to study with, if funds are available, professional assistance:

(a) The goals and responsibilities of state government as related to the goals and responsibilities of local government;

(b) The adequacy and stability of revenues;

(c) The equity of present distribution formulas;

(d) The present tax structure as it relates to tax equity;

(e) The present tax structure as it relates to growth in the state; and

(f) The possibility of combining tax reform with expenditure limitations.

Amendment adopted. Ordered to third reading.

SB 85-FN, relative to authorizing the department of resources and economic development, division of parks, to purchase the historic Crawford cannon for public display. Ought to pass with amendment. Sen. Mann for the committee.

SEN. MANN: All this bill does is to encourage DRED to purchase the cannon. The Finance Committee struck out the \$3,000 feeling that they had the funds available to purchase it.

Amendment to SB 85-FN

Amend section 1 of the bill by striking out same and inserting in place thereof the following:

1 Purchase of Cannon. The department of resources and economic development, division of parks and the division of historic preservation are hereby authorized to solicit, accept and expend funds necessary for the purchase from Charles

Whittier of Bethlehem, New Hampshire, the historic Crawford cannon, once the property of the legendary Ethan Allen Crawford. Said cannon, manufactured by the South Boston Iron Works in 1837, is one of only 2 of its type known to be in existence. The cannon shall be the property of the state in the custody of the department of economic resources and development and shall be on public display.

Amendment adopted. Ordered to third reading.

SB 289, providing for the purchase of a state liquor store on Coliseum avenue in Nashua and making an appropriation therefor. Ought to pass with amendment. Sen. Stabile for the committee.

SEN. STABILE: Presently in Nashua there is a liquor store located at the Nashua Mall. This existing store is doing approximately \$3 million worth of business a year. The bill proposed to build a new liquor store at the cost of \$480,000 at a site about 100 feet from the existing store. This would not be a trial balloon. The \$3 million per year nets back to the state 28% gross profit or 14% net profit. The net profit to the state in the first year would be approximately \$420,000 on a \$480,000 investment. So you practically have a one year payback and an annuity for the state from there on in, on an existing proven store. The committee met and amended the bill to clarify the language. They cleaned up the language to make sure the bill was clear that they meant land and building, and also that the store would have necessary parking as described by the zoning board of the city of Nashua. The committee recommends ought to pass.

Amendment to SB 289

Amend section 1 of the bill by striking out same and inserting in place thereof the following:

1 Purchase of Liquor Store. The liquor commission is hereby authorized to purchase a 10,800 sq. ft. building scheduled for completion on July 15, 1981, and the land on which said building is constructed as well as any other adjacent land necessary to comply with city ordinances, for a liquor store. The

building is located at 27 Coliseum Avenue, Nashua, New Hampshire.

Amendment adopted. Ordered to third reading.

Recess.

Out of Recess.

Sen. Sanborn in the Chair.

INTRODUCTION OF GUESTS

COMMITTEE REPORTS

SB 1, reapportioning the state senate districts. Majority: Ought to pass with amendment; Minority: Refer to interim study. Sen. Brown for the Majority. Sen. Lessard for the Minority.

SEN. BROWN: The amendment in the Calendar on page 26 inadvertently left two towns out, so the corrected amendment was just passed out to you and it is dated May 7, 1981. The committee has had two public hearings on this reapportionment. I asked for the input of all parties concerned or who had interests. The full committee met in executive session yesterday and went over different versions and discussed and so forth. The vote was taken and as you see on the map and by your amendment that was presented to you, this is the version which we came up with. We worked very hard. I think we were fair throughout. The numbers, I think, were very close or as close as possible to the designated number. As I say, I think we have been quite fair throughout the whole state. I urge its passage.

Sen. Preston moved that the words "Interim study" be substituted for the words "ought to pass with amendment".

SEN. PRESTON: All due respect to the chairman and members of the Majority party, I don't even care to speak to their proported redistricting for the Senate districts. It is true that we did hold two public hearings but the amendment that is before us today was not subject to the purview

of the members of the public, some whom are liked by Senators and are disliked, such as the League of Women Voters, representatives of Common Cause, and others. We did see a somewhat similar amendment yesterday at noon time amongst committee members and other Senators and the district populations at least have been adjusted since that time. I was told that there had been an error and omission of a town. I don't even care to wish to speak to the bill as it stands, I would like to speak to the question that we might act on this at a time when we have more appropriate hours to devote to it. I think that we should await the ward district lines being drawn within the cities of Nashua, Manchester and others, that may yet have to be ratified by the voters and the House members. Also I understand there are challenges on censuses in different areas. It just makes more sense to me, I expect we will be back here in the fall and we can devote proper time and though these will be politically determined, I think we will determine them at a time when we have more time to do so.

SEN. BLAISDELL: I've been hearing the rumors around the State House and I have been kind of joking saying that I was going to have a hell of a time getting elected in Holyoke, Massachusetts, but now I find I'm close to Hartford, Connecticut. Was there any consideration given, I see that I am one of the Senators who has lost nine towns, was there any consideration since I needed 5,000 votes that maybe they might have considered to give me Swanzey which would have been one change, that's all, which would have been the 5,000 votes?

SEN. PRESTON: You said maybe they, I don't know who you are referring to, Sen. Blaisdell.

SEN. BLAISDELL: Was there any input. I think you and I discussed it that maybe I could come down to Chesterfield and just a little bit into Swanzey and take Sen. Mann's Swanzey away from him but not almost move him out of the district too. Was there any discussion why nine towns were taken away from one Senator?

SEN. PRESTON: No there wasn't and though it certainly would be the Minority's feeling that we could have added a town with a very small adjustment to your district. It was evident to the members of our committee that the Majority proposal would prevail, Senator, and in order to be consis-

tent in our position we don't care to make any determination or any specific plan today.

SEN. MONIER: Senator, I'm very happy that we are trying to resolve this in a nice way, I haven't heard the word appalled yet. I was not going to make a question of you and I will only make one. You just indicated to Sen. Blaisdell that you did not make any input and you did not offer any consideration for the committee at either time, nor at the executive session yesterday. I believe that what you said is that the reason for that is that you felt sure that the Majority had the vote. Now is that a reason whereby we ought to put it to interim study for later on or is that a reason of sheer logic or sheer numbers or what?

SEN. PRESTON: It is true, I'm not appalled I'm getting accustomed to the precedent. No, I'm just indicating a consistency in our position that we recommend referring it to interim study and we don't care to discuss any specific proposal of ours or yours, at the present time.

SEN. MONIER: Did you ever or do you now, have a proposal for this body to deal with.

SEN. PRESTON: No.

SEN. MONIER: If I may I think the motion before us is interim study which is the Minority report. I would like to speak against it and I would like to take just a couple of minutes to answer Sen. Blaisdell's little chiding. I agree with you Sen. Blaisdell that I did try to put you to Hartford, Connecticut but the committee voted me down unanimously. The truth is I didn't and the truth is that as you so nicely walk out and talk about what is going on in the hall, I understood that you were telling some of the people that you actually lived in Spoffard and that we had taken that away from you, but you have now indicated to me that you don't vote in Spoffard so therefore we have not taken your district away from you. I mean where you live, where you vote, you are still in your district. There was no attempt to do that. I do notice that also you have made references to Sen. Mann's district and I agree with you, I am sorry that it is that way but that doesn't change the thing any because I hope you are aware that Sen. Mann was asked to make any corrections to it that he could possibly come up with, and he did, to his district. But the problem is that you immedi-

ately then run into problems with what you can do with the rest of the districts. And since we have got the levity out of the way, let me just make certain that the public and the people here who I think are voting on this this afternoon, understand exactly what this committee was up against, instead of trying to pretend that what was done was that somebody tried to run one thing through the Senate. I want to just give you a couple of examples, I think they are important. Current Senate districts, current Senate districts, the disparity between numbers is 29,203 in District 1, up to 50,763 in District 9 and I give that just because that is mine. But you also have 47,398 in District 12, you have something like 29,711 in District 20, you have 42,000 or so in District 22. I just randomly selected them. And there is 48,000 or somewhere in that nature in Sen. Brown's district. Those figures are available if anybody would wish them and there doesn't seem to be any consideration to what is our real problem. The real problem was, before the committee, to attempt not to jerrymander in any way. And the word jerrymander which is loosely used in conversation literally means, noncontiguous, nonconforming districts. That is either physically or it means also, I think, in a sense from the other districts. The second consideration, before anybody wants to pretend that it happened, was that we also attempted to maintain the balance that currently exists and whether they are Democrat or Republican, or both. In short I don't know of any Republican or Democrat whose district in its voting composition, has been drastically changed in any way. I say it again, whose voting pattern of their own or in the elections that they have recently held, in which they have been drastically changed. Now the third problem that you ran into with this type of a thing, as you do always, is in terms of what happens in the cities and the wards. Let's just get two things straight. The new ward figures for the old ward lines are available. They are available and have been used in this particular undertaking. There is no question in my mind that the cities that have wards, and I have to do it that way because they are the ones I believe the only ones that do have wards, those cities will have an opportunity, they now have those figures, they have the same opportunities and time as we did, to recommend to the Legislature changes in ward lines. But once again it means the ward lines currently existent will either be shrunk

block by block, census enumeration tract by census enumeration track, no great movement from one way to the other, no separation, in order to match up within the five or six percent normally authorized by the court, to balance out the population by ward. Do they set the ward lines? The answer is no. Theoretically I don't believe that the House has ever really changed them that drastically. I do know they have made slight changes with them. The House, which is Representative districts and which must go and stay contiguous with ward lines as well as county lines because they have a county delegation, normally handles the changes of ward lines. The next argument that we will hear, and I've already heard, is then why are we doing anything until they do that? Well by the same token we don't have to do anything until the courts redistrict us, but it just so happens that I don't like the courts doing it because it is our responsibility to do it. I thoroughly agree with Sen. Preston, that when the ward lines of the House are made, and the next time we are back for any purpose whatsoever, we may have to adjust the ward lines. But the ward lines as they are brought here, unless the cities which are, and this is where I am going to get into trouble, primarily Democrat, unless they deliberately move those lines to try to move them out of one district or another for the sake of either preserving or for the sake of changing, then the change that you would have in here would not affect the current district lines, except to change the ward lines to conform with them. Now in one case that I do know of in Nashua, they have already dealt with some of these problems that are tentative lines. We have tried to accommodate those up to a certain point. I do know and I would ask Sen. Boyer if he is on the floor when I'm finished, that perhaps he would reply to it. But I think that we did this in the Nashua district, with Sen. Stabile who discussed it with them, and they came to somewhat of an accommodation as to what those ward have to be down there, and that is a help. In Manchester, where we have Sen. Champagne, we have Sen. Stephen, we have Sen. Podles, and at the present time I think we have Sen. Sanborn in parts of it, we have not in any way altered the district by the ward lines, nor could they in the state, nor could they in the city. The city wards with the exception of the traditional Republican wards of Ward 1 and possibly some of Ward 2, would remain the

same and they have never been in their districts before. So unless there is a determined effort to try to change it for some reason or other, other than representing the people, then that wouldn't occur. I have no problem with the fact that when we are back at some future date, and before I get asked if that is going to be a special session, not by my doing it will not be, but you will be back because we will have to do something with the federal funds when they are funded in October, when you are back you can adjust the ward lines to accommodate, if the House has taken that action by that time, to accommodate the House's action on the ward lines. Now the next question that might be asked, well what if the House doesn't? That's their problem. That doesn't mean we are allowed to shirk our responsibilities because we don't have enough votes to pass it one way or the other, or because we don't have any other information one way or the other. This is not a foolish experiment. If we have something on the books passed by a majority in this Senate, what the House does or anybody else, then you have leverage to cease and desist any kind of a court action that might occur after June 30th when we are out of session. It doesn't mean it will hold up, it just means that you have taken the responsibility and you have not let the courts do it by themselves. That is what it means. To be very frank with you, before we are finished here, unless there is a lot of debate on it, my answer would be that I do not wish to have the courts do it. I don't think that is their responsibility, I think it is our responsibility, and I am willing to not shirk it. I am willing to attempt to do it and I am not willing to support interim study on the basis that we do not have enough information or any other reason.

SEN. MANN: I would like to rise in support of Sen. Preston, the Senate Minority. This bill two years ago started out as SB 8 and I expressed by concerns to the Senate President, who knows my concerns, and he said that if we put it out to study would I vote for it and would I support it, because originally I said I would not support it. I said yes I would support it if it goes to study but you know my concerns. He said don't worry about that, it will be taken care of. Fine. I came back here in December, I was asked what committees I would like to get on and I said that if I could have any input into the reapportionment of Senators I would like to have my input.

He said that will be taken care of. And I said, well you know my concerns, and he said yes. Okay, fine. About three weeks ago I was called into the Senate President's office and they had a big map spread out on the table and he said I'm showing this and this is going to be your district. I said you haven't changed anything, this was my concern two or three years ago, it is my concern today. Sen. Brown said well why don't you make up something and give it to me. I said fine, so I made up something with the towns, with a list of the populations. I gave it to Sen. Brown, he looked at it and said we will try to work it in. I know it is a problem trying to work it in, I know it is a terrible problem, but I think it isn't that much of a problem if we had proper time to do it. I gave them another alternative. Getting down to the end of what I want to say, I understand there is a 5% deviation on this thing. Using a Senator's new calculator today I happen to add my new district which instead of 39,351 comes out to 40,251. Now that is reason enough to put this bill back in and let us have another look at it because that is more than the 5%. Five percent is 39,276 plus, this puts me over immediately. So I feel that in justice to the bill it should go back in, let the committee take another look at it and see if some other Senators could be satisfied too.

SEN. LESSARD: I rise in support of Sen. Preston's motion. I would first like to express thanks to Sen. Brown because I know how much work is involved in the attempt to redistrict 24 Senatorial seats. He did so with good faith and I do extend my appreciation to him and his courtesy as Chairman of the Redistricting Committee. I have some strong reservations about the proposal as it is right now. The reason that the Minority does not have a proposal before you is based on the concern for those Senate districts in Manchester and Nashua and there are seven districts that are there that are affected by them. The fact of the matter is that not only does the House have to agree to the ward changes in Nashua and Manchester, but the voters of those communities have to concur with those ward changes also, probably in November because it is a charter revision to amend those wards. Ten years ago when the Legislature and the city council in one city on the western coast of this state could not agree on ward boundaries, the city council lobbied the voters against the approval of those boundary changes. The city council

and the Legislature, the next election, had to run at-large because there were no ward boundaries. This could happen in Nashua and Manchester again. There has been some concern about the fact that the courts are going to rewrite the district boundaries. Ten years ago the State Senate lines were not drawn in the regular session but they were drawn in both sessions of the Legislature, regular and special, without court intervention. If this bill were sent to interim study we would have the next year to work it over and the courts would not involve themselves in this, I don't believe, until we could not come to some agreement during the special session or recall session. I have another problem with a bill which was a fact that neither on this proposal for State Senate seats, nor on the Governor's Council seats, which we will be voting on in a few minutes, were the boundaries available to the members of the public at the public hearings. We did have two public hearings and they were based on the original Senate Bills 1 and 2, which bear absolutely no resemblance to the proposals you are going to see today. This is not an in-house issue. It is an issue that affects the public of the state of New Hampshire and the people of this state have not had the opportunity to express their opinions on the proposals that are before you. Across the nation we have heard that courts, district courts, federal courts, have been striking down re-districting changes which do not conform with 2%. Let me just emphasize that, where they do not conform above or below with 2% of a perfect size district. Under a court challenge these are the districts under the Monier proposal and Brown proposal that would not be conforming: Districts 5, 8, 11, 12, 14, 15, and 22, because they would be too large. Under the Brown and Monier proposal these are the districts that would not conform because they are too small: Districts 9, 17, 18, 19, and 20. In the case of District 19 it isn't even within the 5% up or down. So on that one district alone, District 19, you face a court challenge. So I think for these reasons and more, this should go to interim study to have a reasonable time to work these over. I talked with a member of the staff of the Senate President and I said look, it is very difficult, it is going to be extremely difficult to get the kind of support through the Senate that this kind of proposal needs. It is going to be very difficult, at best. Let us sit down together and go over it town by town, and ward by ward, so

that we will be able to come to some kind of agreement, Majority and Minority of the Senate. One half hour before we expect these bills out, one half hour, the Minority of the committee found proposals for both the State Senate seats and the Governor's Council seats, and I maintain that that is not an appropriate way to deal with a select committee dealing with such a weighty matter. I would urge you to send this to interim study, we will be back one way or another and we can vote on it then without court interference.

SEN. CHANDLER: The last time the Senate district was changed, did they have any public hearings at all?

SEN. LESSARD: No they didn't, Senator. But I would like to emphasize that the public hearings were on the original bills and not, not on the proposals that you are seeing today.

SEN. CHANDLER: At the public hearings that they had, could not you have presented your proposals at that time?

SEN. LESSARD: Yes I could but it wouldn't have made any sense because there are seven districts that are going to be changed one way or another because of the ward boundaries in Manchester and Nashua.

SEN. LAMONTAGNE: I rise in opposition to the motion. I would like to point out that District 1, as you know the population of Coos County has decreased a great deal. Whether you look at it the way that this district is now been proposed before you, that regardless of whatever, I have to accept Republican towns, like Whitefield, Lancaster, Dalton, Bethlehem, and Franconia. Now if you take my district and you turn around and take it like it was proposed about two years ago, about going down into Conway and this and that, you are going to go into District 3, and therefore you are really going to foul up that district because then you would have taken me down into Conway and possibly go into Tamworth. As far as I'm concerned, regardless of whether it is Republican or Democrat, these towns have to be accepted and therefore I feel that, for myself, that I am very satisfied with the way the matter is. I accept Bethlehem, Franconia, Lancaster, and Whitefield, Dalton, which all are part of Coos County. Therefore I have my whole county and I am more than satisfied. Unless you people want to go into Quebec, there are a lot of votes up there.

SEN. MONIER: Has Sen. Mann left?

SEN. SANBORN: No, he is right behind you.

SEN. MONIER: Fine, that is what I am afraid of. I would like to have you check that tape because I think your figures are wrong and you might want to correct them. There are 18 towns in the district and that is the statement. No, I'm not trying to play anything, Sen. Mann. You made the statement that the figures that were on the sheet were incorrect.

SEN. MANN: I didn't have a tape machine, Senator.

SEN. MONIER: Well I would just like the record to show that the figures that are in Sen. Mann's district, on the tape, shown on the thing, are correct. Unless Sen. Mann can change that.

SEN. BLAISDELL: Sen. Lamontagne, I'm really thrilled that you are happy with your district, but could I ask you if you would be so courteous to the Senator from the 10th District, to be worried about my district too, as I would be worried about yours, sitting in this seat?

SEN. LAMONTAGNE: Let me give you an honest answer.

SEN. BLAISDELL: I hope you do.

SEN. LAMONTAGNE: You are fortunate that the population is in your district and I wish it was in mine. Then probably you wouldn't have the problem you are having with yours. You know that I had to come down south in order to be able to make up the amount of population needed in order to be able to give my number 1 district. You have the population and we have a big loss of not having the population and we have a lot of people out of work up there. There are 400 homes in Berlin for sale.

SEN. BLAISDELL: I think you missed my question, Senator?

SEN. LAMONTAGNE: Possibly.

SEN. BLAISDELL: Are you at all concerned about the other Senators in this room or are you just worried about District 1.

SEN. LAMONTAGNE: I remember two years ago there were other people, and I will say Democrats, that weren't too concerned with me.

SEN. BLAISDELL: I will be very brief. I rise in support of Sen. Preston's motion. I think this is a very serious thing we are facing today, redistricting of the State Senate. I know we are facing other problems a lot more serious, the human needs of the people of our state, so I hate to take up this

time as I did hate to take up the time yesterday or the day before to attend any of the hearings on this redistricting because I sat in Senate Ways and Means with about 11 bills of my own, trying to run that committee. I still vehemently object, really, to the towns that are being taken from me from Cheshire County and being put into Sullivan County. I think that Keene being the county seat and losing the 8 towns that I will be losing here under this redistricting plan, I really object to it and I hope the Senate will see fit to send this to interim study so that we could have some input into it. So that we can sit down in a rational manner and be able to redistrict our districts and get some kind of agreement. I realize there can't always be the way we want it. But I really think this is not a good plan. I'm opposing it. I only saw it yesterday and that's why I've been, yes, roaming the corridors and sometimes making jokes because I think we do need some humor in this place once in a while, maybe I'm called a joker but God knows we need some humor after seeing some things like this. So I am asking you as a Senate to think of all the Senators and send this bill to interim study so that we can sit down in a rational manner, the 24 of us, and redistrict our districts and have some input into it and have some time to do it. Take the days to do it, don't rush it. I appeal to you Senators, you new Senators, to see if you can't see it our way, to send this to interim study. I beg of you to send it to interim study.

SEN. SPLAINE: I think today we have had a chance, particularly after yesterday, to see that once again, as on so many issues, there is an opportunity to put politics ahead of what we ought to be doing, and that is serving the state. A lot of us seem to be looking at this issue just as what is happening to my district, what is happening to my constituency for next year's election. I think it is much more than that. We are supposed to be talking about the constituencies of those who are going to be sitting in these chambers in years to come, as we will be doing with the Governor's Council. I just don't understand some of the logic, or some of the lines as they are drawn. As several of the previous speakers have pointed out, it appears as if the votes are here today to pass it. Supposedly there has been a good deal of work done by one group of Senators on this issue in the last couple of years since it has been in their hands, but most of us didn't

see the lines as we now see them until yesterday. Call it what you will, jerrymandering, or Monier-mandering, it concerns me that today we are voting on what is essentially the proposal of one group of Senators and the rest of us only had one day to take a look at it. Why? Why can't we allow for public input on this. We talked about the people of District 1 and if we don't have a public hearing allowing for the people of District 1, if some of them might be concerned. Whether it is Common Cause or the League of Women Voters or anybody to come here and talk. And that goes for the other twenty-three districts as well. I can't see what is wrong with interim study. I can't see why there can't be input into this issue by the public and the people of the twenty-four districts, not just those Senators who happen to represent, currently, those twenty-four Senate districts.

SEN. BROWN: There were some comments made here a while back by one of the Senators in support of the interim study, stating that percentagewise, and he named the districts that were either way up or way down beyond the percentage. I have received, which are set down in Washington, the deviations which I have percentagewise, it is 1% to 4.9%. There are many states listed here and New Hampshire is one of them within the 1% to 4.9%. I figured out that every district here is within that percentage, except for my own district, 19, which is 200 below but is the fastest growing district in the state. I can't quite buy that argument.

Sen. Bergeron moved the previous question.

Adopted.

Sen. Preston requested a roll call.

Seconded by Sen. Monier.

The following Senators voted yes: Hough, Bergeron, Blaisdell, Mann, Boyer, Rice, Stephen, Champagne, Lessard, Preston, and Splaine.

The following Senators voted no: Lamontagne, Conley, Freese, Chandler, Wiggins, Monier, Stabile, Kelly, Podles, Sanborn, Brown, and Roy.

11 yeas 12 nays

Motion failed.

Amendment to SB 1

Amend RSA 662:3 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

662:3 State Senate Districts. The state is divided into 24 districts for the choosing of state senators, each of which may elect one senator. The districts shall be constituted as follows:

I. Senatorial district number 1 is constituted of Coos county and Bethlehem, Franconia and Sugar Hill.

II. Senatorial district number 2 is constituted of Alexandria, Bath, Benton, Bridgewater, Bristol, Danbury, Dorchester, Easton, Ellsworth, Grafton, Groton, Haverhill, Hebron, Hill, Landaff, Lincoln, Lisbon, Littleton, Livermore, Lyman, Monroe, New Hampton, Orange, Orford, Piermont, Plymouth, Rumney, Sanbornton, Thornton, Tilton, Warren, Waterville Valley, Wentworth and Woodstock.

III. Senatorial district number 3 is constituted of Carroll county and Ashland, Campton, Center Harbor, Holderness and Meredith.

IV. Senatorial district number 4 is constituted of Alton, Barnstead, Farmington, Gilford, Gilmanton, Laconia, Middleton, Milton, New Durham and Pittsfield.

V. Senatorial district number 5 is constituted of Andover, Canaan, Cornish, Croydon, Enfield, Grantham, Hanover, Lebanon, Lyme, Newbury, New London, Plainfield, Springfield, Sutton and Wilmot.

VI. Senatorial district number 6 is constituted of Barrington, Rochester, Rollinsford and Somersworth.

VII. Senatorial district number 7 is constituted of Antrim, Belmont, Bennington, Boscawen, Bradford, Canterbury, Deering, Franklin, Henniker, Hillsborough, Northfield, Salisbury, Warner, Weare, Webster and Windsor.

VIII. Senatorial district number 8 is constituted of Acworth, Alstead, Charlestown, Claremont, Gilsum, Goshen, Langdon, Lempster, Marlow, Nelson, Newport, Stoddard, Sullivan, Sunapee, Surry, Unity, Walpole and Washington.

IX. Senatorial district number 9 is constituted of Amherst, Bedford, Merrimack, Mont Vernon and New Boston.

X. Senatorial district number 10 is constituted of Chesterfield, Hinsdale, Keene, Richmond, Swanzey, Westmoreland and Winchester.

XI. Senatorial district number 11 is constituted of Dublin, Fitzwilliam, Frankestown, Greenfield, Hancock, Harrisville, Jaffrey, Lyndeborough, Marlborough, Milford, New Ipswich, Peterborough, Rindge, Roxbury, Sharon, Temple, Troy and Wilton.

XII. Senatorial district number 12 is constituted of Wards 1, 2, 3 and 9 in Nashua and Brookline, Greenville, Hollis and Mason.

XIII. Senatorial district number 13 is constituted of wards 4, 5, 6, 7 and 8 in Nashua.

XIV. Senatorial district number 14 is constituted of Hudson, Litchfield, Londonderry and Pelham.

XV. Senatorial district number 15 is constituted of Bow, Concord, Dunbarton and Hopkinton.

XVI. Senatorial district number 16 is constituted of wards 1 and 2 in Manchester and Auburn, Goffstown and Hooksett.

XVII. Senatorial district number 17 is constituted of Allentown, Brentwood, Candia, Chichester, Deerfield, Epping, Epsom, Fremont, Loudon, Northwood, Pembroke, Raymond and Strafford.

XVIII. Senatorial district number 18 is constituted of wards 5, 6, 7, 8 and 9 in Manchester.

XIX. Senatorial district number 19 is constituted of Chester, Danville, Derry, East Kingston, Hampstead, Kingston, Newton and Sandown.

XX. Senatorial district number 20 is constituted of wards 3, 4, 10, 11 and 12 in Manchester.

XXI. Senatorial district number 21 is constituted of Dover, Durham, Lee, Madbury and Nottingham.

XXII. Senatorial district number 22 is constituted of Atkinson, Plaistow, Salem and Windham.

XXIII. Senatorial district number 23 is constituted of Exeter, Hampton, Hampton Falls, Kensington, Newfields, Newmarket, Seabrook, South Hampton and Stratham.

XXIV. Senatorial district number 24 is constituted of Greenland, New Castle, Newington, North Hampton, Portsmouth and Rye.

Amendment adopted. Ordered to third reading.

SB 2, reapportioning the executive council districts. Majority: Ought to pass with amendment; Minority: Refer to interim

study. Sen. Brown for the Majority; Sen. Lessard for the Minority.

SEN. BROWN: SB 2 is the reapportionment of the council districts. The amendment is on page 28 of today's Calendar. The same thing prevails, we had the hearings the same times we had the Senate reapportionment hearings. We had input and we reapportioned it as best we can to try and satisfy everybody as best we could. We have done our best to stay with county lines, to keep as many counties as we can wholly within the same district. The count comes out as it is supposed to by the profile. I urge its passage.

Amendment to SB 2

Amend RSA 662:2 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

662:2 Councilor Districts. The state is divided into 5 districts for the choosing of councilors, each of which may elect one councilor. The districts shall be constituted as follows:

I. Councilor district number 1 is constituted of the counties of Belknap, Carroll, Coos and Grafton; and the towns of Cornish, Croydon, Grantham, Plainfield, Springfield, and Sunapee.

II. Councilor district number 2 is constituted of the counties of Merrimack and Strafford; and the towns of Deerfield, Northwood, and Nottingham.

III. Councilor district number 3 is constituted of the towns of Atkinson, Auburn, Brentwood, Candia, Chester, Danville, Derry, East Kingston, Epping, Exeter, Fremont, Greenland, Hampstead, Hampton, Hampton Falls, Kensington, Kingston, Londonderry, New Castle, Newfields, Newington, Newmarket, Newton, North Hampton, Plaistow, Raymond, Rye, Salem, Sandown, Seabrook, South Hampton, Stratham, and Windham; and the city of Portsmouth.

IV. Councilor district number 4 is constituted of the towns of Acworth, Amherst, Antrim, Bedford, Bennington, Charlestown, Deering, Frankestown, Goffstown, Goshen, Hillsborough, Langdon, Lempster, Litchfield, Merrimack, New Boston, Newport, Unity, Washington, Weare, and Windsor; and the cities of Claremont and Manchester.

V. Councilor district number 5 is constituted of the county

of Cheshire; the towns of Brookline, Greenfield, Greenville, Hancock, Hollis, Hudson, Lyndeborough, Mason, Milford, Mont Vernon, New Ipswich, Pelham, Peterborough, Sharon, Temple, and Wilton; and the city of Nashua.

Amendment adopted.

Sen. Lessard moved a floor amendment to the Majority Report.

SEN. MONIER: Parliamentary inquiry. Could I just enquire, we have a report of the Minority of interim study, I believe that has not been withdrawn but just has not been acted on. That's fine with me, I'm not pushing it. I just want to make certain that the Senate recognizes whether the amendment that we now have on the floor goes with the Minority report map that we have. Is that correct?

MR. PRESIDENT: Senator, not having the chance to read the amendment since it was just handed out, and being able to compare it with the map that is here, I can only assume that it does.

SEN. MONIER: Is there any Senator from the Minority that could speak to that question?

MR. PRESIDENT: I hope that Sen. Lessard would speak to that question since he is offering the amendment. Sen. Lessard, does the amendment and the map coincide?

SEN. LESSARD: Yes they do, Mr. President.

SEN. MONIER: The Minority report map?

MR. PRESIDENT: Yes, the Minority report map.

SEN. MONIER: Then am I to understand that instead of a Minority report we are going to now have an amendment of the Minority report offered for consideration, is that correct?

MR. PRESIDENT: That is what I am assuming at this time.

SEN. LESSARD: Mr. President, could I yield for a moment to Sen. Preston?

MR. PRESIDENT: Sen. Lessard yields to Sen. Preston.

SEN. PRESTON: Yes, just to clarify if I may. The Minority report would still make its motion for interim study in order to indicate consistency but we were just criticized minutes before for not having even shown a plan to anyone, so the plan is before you and we would still move to interim study later on.

SEN. MONIER: I'm not trying to delay it Senator, I just wanted to make certain. I have no objections, obviously, to the amendment being offered. I am just trying to make certain that the members of the Senate recognize that what you have before us as a Minority Report is exactly what you are now offering as a substitute for the current thing, the amendment. Am I correct?

SEN. PRESTON: Yes, that is what we are offering is an amendment to your report.

SEN. MONIER: And when it comes to the comment that you have been criticized, are you telling me that since that criticism you have had that amendment drafted up?

SEN. PRESTON: No sir, I'm not, but I would just like you to know and I will assure you that if you will be courteous enough

SEN. MONIER: I am very courteous. I just want to make sure that everybody knows what we have in front of us. I have no objection to it whatsoever.

SEN. PRESTON: If you will give us the opportunity to show that we are consistent. If you allow us to win this one we will refer it to interim study.

SEN. MONIER: Then you should have moved for it to interim study.

SEN. LESSARD: There are two Governor's Council maps on your desk. One is the amendment that we just adopted. The lines are clearly different from the current councilor districts. The other is the proposal being offered by the Minority. You can see the populations of the districts on both sets of maps. You will note that we tried to base this proposal on two things. One was to keep the districts as close to the current size, geography, as they have been for the last ten years. Secondly, that the population be as close as possible. There is only about 1,000 votes between the extremes in the Governor's Council districts as proposed by the Minority. In the case of the Majority there is 10,000 voter difference between the two. Simply, we tried to put together, as close as possible, councilor districts as they have been for the last ten years and moved as few towns as possible in those. If I might take just a moment, the councilor districts as they broke down were very close and the Minority felt that there was very little need for adjustment. Let me just give you the

population figures for the five districts of the Governor's Council. They were 180,514 for the first district, the second district was incidentally exactly the same, 180,514, the third district is 178,766, the fourth district is 185,479, the fifth district is 189,486. So the difference in the councilor districts now is just over 10,000 voters, so with just slight adjustments, very slight adjustments we felt that we could accomplish the exact same thing. I would like to correct a misstatement that was made during the last debate which also can affect this. The statement by the Majority leader was: That Congress had handed down guidelines of between 1% and 4% in redrafting districts. That is correct but it deals with Congressional districts specifically and that is in the process of being challenged in the courts. So they were not addressing the issues of Governor's Council districts, State Senate districts, House districts, those are not covered by the 1% to 4%. I just want to make that clear and that was going to be my question of the Majority leader. I would be happy to answer any questions that I can.

SEN. MONIER: I would like to speak to this briefly. I will compliment the Minority for coming on the floor with a Minority report which we had received just yesterday at our executive session with respect to it and which I thought they were bringing on with an interim study. Let me just make sure that everybody in the Senate recognizes that both of them are within the 4.9%. If you are not aware of it the average for the councilor's districts at the present time under the new census is 184,122, a 4.9% therefore is a 9,216 difference which gives you a low of 175,101, a high of 193,143. I will be voting against the Minority report.

SEN. PRESTON: I apologize, Mr. President, if tactics or procedures are criticized here that certainly, as I said before, we did not want to be accused of not having presented anything. Just to correct a statement the Senate President made that the proposal in the Governor's Council district was presented to the committee on April 22nd and was given no consideration. So I would just like to show that on the record.

SEN. MONIER: I'm sorry. I don't know if we are confusing the issue or not, but I don't like to keep this up. What do you mean it was given no consideration? Yesterday this was put before the executive session and it was voted down

by a 4 to 3 vote and you offered a Minority report. Why are you saying that it was not given consideration?

SEN. PRESTON: I thought you said it appeared for the first time yesterday to the committee. As a matter of fact it was April 22nd.

SEN. MONIER: No, I didn't say that. I said we voted on it. Sorry.

Sen. Lessard requested a division.

10 yeas 13 nays

Motion failed.

Ordered to third reading.

HB 112-FN, relative to sunset review of the public utilities commission — administration and support. Ought to pass with amendment. Sen. Brown for the committee.

Sen. Brown moved to lay HB 112-FN on the table.
Adopted.

HB 116-FN, relative to sunset review of legislative utility consumers council. Inexpedient to legislate. Sen. Brown for the committee.

Sen. Brown moved HB 116-FN be laid on the table.
Adopted.

HB 768-FN, adopting the NH/VT interstate solid waste compact. Ought to pass with amendment. Sen. Chandler for the committee.

SEN. CHANDLER: This is a House bill which allows towns in New Hampshire to enter into a interstate compact with towns in Vermont for the disposal of solid waste. The amendment is just a correction. The bill when it was printed they printed page two twice and didn't print one of the other pages at all, they left it out. So the amendment just corrects the bill. The amendment is the bill. This had a hearing, the only

hearing this committee has had so far. Everyone who appeared was in favor of it. The committee recommends ought to pass.

Amendment to HB 768-FN

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after chapter 53-C the following new chapter:

CHAPTER 53-D INTERSTATE SOLID WASTE COMPACT

The state of New Hampshire enters into the following compact with the state of Vermont subject to the terms and conditions herein stated.

ARTICLE I

A. Statement of Policy.

It is recognized that municipalities in New Hampshire and Vermont may, in order to avoid duplication of cost and effort, and, in order to take advantage of economies of scale, find it necessary or desirable to enter into an agreement whereby joint solid waste disposal and resource recovery facilities are constructed and maintained. The states of New Hampshire and Vermont recognize the value of and the need for such a cooperative agreement to capture the economic benefits of reduced solid waste disposal costs and to enhance the economy through a reduction in demand for imported energy and the promotion of employment. Furthermore, the states of New Hampshire and Vermont recognize the value of and the need for such a cooperative agreement to maintain a safe and healthy environment, including a clean and renewable supply of the water resources.

B. Requirement of Administrative and Congressional Approval.

This compact shall not become effective until approved by the administrator of the United States Environmental Protection Agency and the United States Congress.

C. Definitions.

1. "Resource recovery facility" shall mean any facility at which solid waste is processed for the purpose of extracting, converting to energy, or otherwise, separating and preparing solid waste for reuse.

2. "Municipalities" shall mean in Vermont, a municipality as defined in 1 V.S.A. S 126 and a union municipal district established under the authority of 24 V.S.A. Chapter 121; shall mean in New Hampshire, a public agency as defined in RSA 53-A:2 and a regional refuse disposal district established under the authority of RSA 53-B.

3. "Solid waste agencies" shall mean those agencies within New Hampshire and Vermont possessing authority to regulate solid waste disposal and to administer the Resource Conservation and Recovery Act of 1976, as amended. (42 USCA Chapter 82)

4. "Sanitary landfills" shall mean a facility for the disposal of solid waste which meets the criteria published under 42 USCA S6944 of the Resource Conservation and Recovery Act of 1976, as amended.

5. "Solid waste" shall mean any garbage, refuse, metal goods, tires, demolition and construction waste, yard waste, and sludge from a waste water treatment plan, or other discarded materials, possessing no value to the producer in its present form where it is located, produced by normal residential, commercial and industrial activities, but does not include hazardous waste.

6. "Hazardous waste" shall mean any solid, semi-solid, liquid, or contained gaseous waste, or any combination of these wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics may: (a) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed, or any waste classified as hazardous at any time under applicable laws and regulations of the United States, New Hampshire, and Vermont or any subdivision thereof pursuant to a valid grant of authority.

ARTICLE II

Procedures and Conditions Governing Intergovernmental Agreements

A. Cooperative Agreements Authorized.

Any 2 or more municipalities, one or more located in New Hampshire and one or more located in Vermont may enter into cooperative agreement for the construction, maintenance, and operation of a resource recovery facility or sanitary landfill or both, and those related services needed for the efficient operation thereof. The agreement may also include the sale of energy and other by-products.

B. Approval of Agreements.

Any agreement entered into under this compact shall, prior to becoming effective, be approved by the solid waste agencies of both New Hampshire and Vermont as in conformance with each state's solid waste management plan.

C. Method of Adopting Agreement.

Agreements hereunder shall be adopted in accordance with existing statutory procedures for the adoption of intergovernmental agreements between municipalities within each state, and further in New Hampshire, as provided in RSA 53-B.

D. Review and Approval of Plans.

The solid waste agencies of the state in which any part of a solid waste disposal and resource recovery facility which is proposed under an agreement pursuant to this compact is proposed to be or is located is hereby authorized and required, to the extent such authority exists under its state law to assure that the proposed facility is compatible with the existing state plan.

E. Contents of Agreements.

Agreements entered into pursuant to this compact shall contain the following:

1. Duration of the agreement.
2. Purpose of the agreement.
3. Provision for a joint board and/or administrator, responsible for administering the cooperative undertaking and the powers to be exercised thereby. All municipalities party to the agreement shall be represented.
4. The manner of acquiring, holding and disposing of real and personal property used in the cooperative undertaking.
5. The manner of financing the cooperative undertaking and establishing a budget therefor.

6. The manner and method of establishing and imposing fair and equitable charges for the users of the facilities.

7. A provision establishing a procedure for the arbitration of disputes.

8. The conditions and procedure under which a municipality may withdraw from or be added to a cooperative agreement.

9. The manner in which the agreement may be amended.

10. The methods to be employed in the termination of the agreement and for disposing of property upon termination.

ARTICLE III

Effective Date.

A. This compact shall become effective when ratified by New Hampshire and Vermont and approved by the United States Congress.

2 Notification. The governor is directed to notify the governor of Vermont and the President of the United States that the state of New Hampshire has approved and ratified this compact.

3 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted. Ordered to third reading.

Sen. Monier in the Chair.

HB 552, to clarify the functions of the medical examiner. Ought to pass. Sen. Champagne for the committee.

SEN. CHAMPAGNE: This bill was requested by the Attorney General's office and it forces the county medical referee to give a medical opinion on a death rather than a legal one as he does today. He has to check off homicide, suicide. The Attorney General's position is that is not up to the doctor to decide but rather the doctor should decide the medical cause of death. That is all this bill does. We recommend support of this bill.

Adopted. Ordered to third reading.

HB 298, relative to the investigative duties of probation officers. Inexpedient to legislate. Sen. Champagne for the committee.

SEN. CHAMPAGNE: This bill right before our hearing was withdrawn by the sponsor. As you can't withdraw a bill at this stage of the game the committee reported it out as inexpedient to legislate.

Adopted.

Sen. Bergeron in the Chair.

HB 536-FN, increasing the fees of bail commissioners to \$7 and \$12. Ought to pass. Sen. Lessard for the committee.

SEN. LESSARD: The bill simply raises the fees for bail commissioners from \$4 to \$7 from 9:00 a.m. to 5:00 p.m. and from 6:00 p.m. to 12:00 p.m. and any other time. The committee report was unanimous as ought to pass.

Adopted. Ordered to third reading.

HB 290-FN, relative to supplying of generic drugs by pharmacists. Ought to pass. Sen. Roy for the committee.

SEN. ROY: The bill actually enacts the Model Drug Products Selection Act authorizing the pharmacist to supply an equivalent or generic drug unless the doctor specifies that the named drug is medically necessary. As well the Director of the Division of Public Health Services shall establish and maintain a drug formulary of equivalent, therapeutically equivalent drug products. As most of you may know, for eight years New Hampshire has had a generic drug law and under that law brand names, as a rule, after seventeen years of protection under patent are usually the prescription written in prescription by the physician. The law eight years ago stated that the physician could also write the generic equivalent drug written in the New Hampshire formulary on the prescription pad. So that what in effect we have had is that unless the physician was knowledgeable and had the time to prescribe generically or in fact would write those specific words,

okay to make a substitute, people were still being prescribed the brand name drug. It becomes a matter of economics because it has been shown over the years that the generic drug is far less expensive than the brand name drug. For a brand name drug you might say Bufferin has been prescribed, the generic name will be acetyl salicylic acid, just as an analogy. It has been found that that has been a rather ineffective law because rather than the physician taking the time to write in or its generic equivalent, that has not been the case. So now this proposed law or bill before you actually reverses the process that the physician may still write the brand name but only if he writes that it is medically necessary will the brand name be filled in prescription and only then if the individual who is receiving the prescription decides that they want the brand name, will the brand name be sold. So that now the pharmacist who receives the prescription, as we said earlier, unless it states medically necessary, he cannot select the generic drug if it says medically necessary, he must give the generic. He shall not select an equivalent or generic drug product unless its price to the purchaser is less than the price of the prescribed drug product. As I stated earlier another provision is to also let the person to have the right to refuse the equivalent or generic drug. The formulary as developed over the years and brought up to date every year on December 1st, by the New Hampshire Department of Public Health contains 200 of the most commonly prescribed drugs. The consensus of the committee as well as the House committee who passed this to us is that the time has come for generic prescribing rather than brand name unless medically necessary to have that brand.

SEN. MANN: Is this requiring the pharmacist to carry two different sets of drugs?

SEN. ROY: Generic as well as brand? Yes.

SEN. MANN: The doctor is going to make the decision whether it can be generic or not and not the druggist, is that correct?

SEN. ROY: The doctor may write the brand name and state that it is medically necessary so that it will be filled as a brand drug. The pharmacist is, if you will, making the decision as to which generic to use according to the New Hampshire formulary.

SEN. MANN: You say the druggist, in other words, with this bill you are going to put the burden on the druggist to make the decision whether to use the generic drug or the brand name, do I assume right?

SEN. ROY: Could you define the burden? Could you define that word for me and maybe I can answer your question better, Sen. Mann?

SEN. MANN: Your doctor gives you a prescription for a drug and you take that down to the drug store, and is the druggist going to make the decision to use a generic drug or other type.

SEN. ROY: He is going to fill that with a generic equivalent, a therapeutically equivalent drug, or a generic drug, unless the doctor has stated that it is medically necessary to use a brand name drug. It might help to relieve your mind a little bit to recall that I said that brand name drugs are under protection for seventeen years, they are not sold under their generic name under the patent for seventeen years. So in that length of time the medical doctor has been prescribing by the brand name for seventeen years, it is very difficult with a busy practice, or with any practice, for them to then try to substitute the generic name instead of the brand name drug. So we are making it easier for them. We are saying that if these are therapeutically, biologically available and therapeutically equivalent, they will be given a generic drug unless the doctor determines that he wants that brand name for medical reasons.

SEN. MANN: Then you are saying, Sen. Roy, that a generic drug is the same as a brand drug, is that what you are saying?

SEN. ROY: It could very well be, after seventeen years they may be selling it under a generic drug label.

SEN. MANN: The only reason I'm asking these questions, would you believe, is that my druggist got to me, and I think he called you too.

SEN. ROY: I understand, and we all have concerns. The generic drugs as defined in the New Hampshire formulary of 200 of the most commonly used drugs will be proper and good. They are used for Medicare and Medicaid patients. There really is not the problem that we should be concerned.

SEN. CONLEY: I'm trying to get this clear in my mind. If I go to the doctor and he prescribes medication for me, is that considered medically necessary? I'm trying to get the

differentiation between the statement that the doctor has to make that this is medically necessary. I would think that every drug that is prescribed is medically necessary.

SEN. ROY: I would agree with you that that is the case. And the doctor would go one step further and say that the brand that I am prescribing is medically necessary to be filled with that brand name.

SEN. MANN: Just one more, Sen. Roy. Are we going to put an extra burden or a liability on the druggist?

SEN. ROY: Where do you see that in the bill?

SEN. MANN: Well, I guess I'm asking the question and you are going to try to answer.

SEN. ROY: I'll say no.

Adopted. Ordered to third reading.

HB 572, relative to county jails and houses of correction. Ought to pass. Sen. Roy for the committee.

SEN. ROY: The current law permits the county commissioners to appoint superintendents for the county farms and for houses of correction. This is merely a housekeeping bill because we no longer refer to them as the county farm and the house of correction. You also have the county jail and nursing home. So this is merely updating the statutes to provide that the county commissioners may appoint the superintendents of those facilities.

Adopted. Ordered to third reading.

HB 403, relative to the confiscation of items used in connection with a felonious drug offense. Ought to pass with amendment. Sen. Roy for the committee.

SEN. ROY: The bill establishes a very important procedure for the forfeiture to the state of a vehicle that has been used in the commission of a felony and owned by the felon. The Superior Court will hear the petition seeking to have the vehicle forfeited to the state. If the court finds that the vehicle was used unlawfully the vehicle will be handed over to the Department of Safety for sale at public auction. The proceeds of the sale would go into the General Fund after

the costs of towing and storage have been repaid to the municipality, the county, or the state, and after any holder of a security interest has been compensated for the amount of the security interest or lien on that bit of property. The committee recommends ought to pass with the amendment, which really clears up the language in the bill.

Amendment to HB 403-FN

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to the confiscation of items
used in connection with a
felonious drug offense.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Purpose. The purpose of this bill is to allow the attorney general to seize any money, books, records, ledgers and research material, any materials, products and equipment, and any vehicle, aircraft or vessel used in connection with a felonious drug offense and to provide an equitable proceeding to determine the disposition of the goods seized by the attorney general. This act is intended also to provide that all persons holding liens on seized property be compensated in full for the amount of their liens and to protect all innocent owners from having any items forfeited to the state.

2 Forfeiture of Items. Amend RSA 318-B by inserting after section 17-a the following new section:

318-B:17-b Forfeiture of Items Used in Connection with Drug Offense.

1. Interests in the following property, upon petition of the attorney general, shall be subject to forfeiture to the state and said property interests shall be vested in the state:

(a) All materials, products and equipment of any kind which are used, or intended for use, in manufacturing, trafficking or furnishing any controlled drug in felonious violation of this chapter;

(b) Property interests in any conveyance, including aircraft, vehicles, or vessels, which is used or intended for use in the transportation or concealing of a controlled drug or which is otherwise used or intended to facilitate the commission of any felony prohibited by this chapter;

(c) Any moneys used or intended for use in the procurement, manufacture, compounding, processing, delivery or distribution of a controlled drug in felonious violation of this chapter;

(d) Any books, records, ledgers and research material, including formulae, microfilm, tapes and any other data which are used or intended for use in felonious violation of this chapter.

II. Upon the seizure of any items or property interests under paragraph I, the person making or directing such seizure shall inventory the items or property interests and issue a copy of the resulting report to any person or persons having an equitable interest in the item within 7 days of said seizure. Any person making or directing said seizure shall within 30 days of the seizure file a petition in the superior court having jurisdiction under this section. If no such petition is filed within 30 days the items or property interests seized shall be returned to the owners.

III. The court may order forfeiture of all items or property interests subject to the provisions of paragraph I, except as follows:

(a) No items or property interests shall be subject to forfeiture unless it shall appear that the owner or owners thereof were consenting parties to a felonious violation of this chapter and had knowledge thereof.

(b) No items or property interests shall be subject to the forfeiture unless involved in an offense which constitutes a felony at the time of seizure.

IV. The attorney general may petition the superior court in the name of the state in the nature of a proceeding in rem to order forfeiture of items or property interests subject to forfeiture under the provisions of this section. Such petition shall be filed in the court having jurisdiction over said items or property interests or having final jurisdiction over any related criminal proceedings brought under any provision of this chapter. Such proceeding shall be deemed a civil suit in equity in which the state shall have the burden of proving

all material facts by a preponderance of the evidence and in which the owners or other persons claiming an exception pursuant to paragraph III shall have the burden of proving such exception. The court shall issue orders of notice to all persons who may have an equitable interest in said items or property interests seized under this chapter and shall within 30 days of the return date on said petition schedule a hearing on said petition. At said hearing the court shall hear evidence and make findings of fact and enter conclusions of law and shall, thereupon, make a final order, from which all parties shall have a right of appeal. Such final order shall provide for disposition of said items or property interests by the state in any manner not prohibited by law, including retention for official use by law enforcement or other public agencies, or sale at public auction. The proceeds of any such sale shall be used to pay the reasonable expenses of the forfeiture proceedings, seizure, storage, maintenance of custody, advertising, court costs and notice of sale. All outstanding recorded liens on said items or property interests seized shall be paid in full upon conclusion of the court proceedings. Any balance remaining after the sale of said seized items or property interests shall be deposited in the general fund.

3 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted. Ordered to third reading.

HB 553, removing certain limitations on the prescription of controlled drugs. Ought to pass. Sen. Roy for the committee.

SEN. ROY: Back in 1977 certain limitations were put on the prescription of controlled drugs because at that time it was felt by the State Police Department that it was necessary to slow down the illegal movement of legal drugs. They have had a change of thinking in that direction so as a result you have before you HB 553. The current law restricts the length of time that a prescription can be refilled to seven days and after that time you would have to get another prescription. This has now been deleted as a result of HB 553. Since passage of the old law there has been a substantial amount of

evidence to indicate that even though it was well intentioned the current law is not only inconvenient in the process of care and treatment of people, but is resulting in unnecessary expense and serving a questionable purpose. What the bill will do is to amend the current law to remove the seven day limitation on the length of prescription time that can be held. It also will extend, for up to 60 days, for the supply of any drugs that will provide for the treatment of minimal brain dysfunction or nocelipsy. There will be no quantity limitation imposed upon the filling by prescription of controlled drugs in groups two and three.

Adopted. Ordered to third reading.

HB 820, relative to the emergency medical service coordinating board. Ought to pass. Sen. Podles for the committee.

SEN. PODLES: HB 820 establishes new positions on the emergency medical service coordinating board. One member from the American Red Cross and the other from the New Hampshire Heart Association. Both of these carry extensive educational programs for the citizens of the state. The addition of a representative from each of these organizations would enable the New Hampshire Emergency Medical Service Coordinating Board to more fully integrate their activities with these organizations. There is no cost to the state. There was no opposition to this bill and the committee recommends ought to pass.

Adopted. Ordered to third reading.

HB 520-FN, authorizing cities and towns to close restaurants and other food serving establishments for health code violations. Ought to pass with amendment. Sen. Roy for the committee.

SEN. ROY: This bill will permit towns to license restaurants within their jurisdiction. Currently the law provides that cities may do that. There is a special law that provides that the town of Salem may do this. What it does is to extend to all towns the right to close restaurants for a ten-day period if they are found in violation of the State Sanitary

Food Code. If the violations were not corrected within that ten-day period, after a notice and hearing the restaurant license may be suspended by the local health officer.

Amendment to HB 520-FN

Amend RSA 147:1, II(a) as inserted by section 2 of the bill by striking out said subparagraph and inserting in place thereof the following:

(a) Notwithstanding any other law to the contrary or other licensing authority, any restaurant or other food serving establishment found to be in violation of the sanitary and health code adopted may be closed without a hearing for a 10 day period or until the violation is corrected and the sanitary condition is approved by the local health officer.

Amendment adopted. Ordered to third reading.

Sen. Monier in the Chair.

HB 529, relative to adoption records. Ought to pass. Sen. Roy for the committee.

SEN. ROY: HB 529 will permit an adult adoptee or an adoptive parent to ask for the release of information relating to the health history of the natural parent and blood relatives on a standardized form provided by the division. The division or the agency shall delete any information from the health history which would tend to identify the natural parent. The committee was unanimous in its decision to vote this ought to pass and we hope you will concur with the committee report.

Adopted. Ordered to third reading.

HB 824, setting a limit on the number of children permitted in foster care. Ought to pass with amendment. Sen. Roy for the committee.

SEN. ROY: The bill was requested by the Division of Welfare because public law 96-272 promulgated rules and regu-

lations for Title IV-E funds. It is necessary to establish the law in order to get these funds in order to set goals for the maximum number of children who will remain in foster care after having been in care for over 24 months. It is a possibility that we may never receive those funds in 1983 because of Washington's administration cutback on certain funds. It was the consensus of the committee that this made a great deal of sense that every 24 months, certainly, they should look at the number of children who are in foster care and hopefully to move them out into permanent homes, if at all possible. The committee was unanimous in support and hopes that you will concur and support the committee report.

Amendment to HB 824

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Effective Date. This act shall take effect October 1, 1982.

Amendment adopted. Ordered to third reading.

HB 367, relative to entertainment provided by certain first class ballrooms with liquor licenses. Ought to pass with amendment. Sen. Blaisdell for the committee.

SEN. BLAISDELL: This bill was introduced by Rep. Rounds of the House. William Tasse the enforcement chief of the State Liquor Commission came in and spoke to our committee. Two years ago the ballroom license law was changed and instead of requiring the minimum seating of 500 people and three entertainers it was dropped down to certain instances and certain conditions where somebody who was seating only 150 with only one entertainer could get the same license. They also could have this license without serving food. It created quite a problem with the enforcement division of the Liquor Commission. What this bill does is put it back the way it was before. We did grandfather the three businesses that were already licensed under this bill. The amendment relates to page 2 of the bill, the last section where it says "under no circumstances, however, may such special license be transferred to any other person."

The Ways and Means Committee felt that was a hardship on the people who might want to sell their business, the Liquor Commission agreed. We took the amendment out and we hope that you pass this bill, it is a good piece of legislation.

Amendment to HB 367

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Special Licensees Protected. Any person who, on the effective date of this act, possesses a special first class ballroom liquor license entitling such person to sell liquor and beverages in an establishment which has a seating capacity of less than 500 but at least 150, at such times as live entertainment is being provided, such license having been issued under the provisions of RSA 178:7-a, IV as it existed prior to the repeal provided in section 2 of this act, may continue to possess and to operate under such license for as long as he meets all of the requirements of RSA 178:7-a, IV as it existed prior to the repeal provided in this act.

Amendment adopted. Ordered to third reading.

HB 376, to permit the use of service bars in function and dining rooms of hotels and restaurants. Inexpedient to legislate. Sen. Blaisdell for the committee.

SEN. BLAISDELL: The reason that the committee on Ways and Means made this inexpedient to legislate is because as so often happens, this particular piece of legislation will come to us in HB 714 which we will hear in just a few minutes. So we made this one inexpedient to legislate because it is covered by other legislation.

Adopted.

HB 377-FN, to permit certain promotional uses of liquor by hotels in soliciting and providing for convention business. Ought to pass. Sen. Blaisdell for the committee.

SEN. BLAISDELL: There are two things that this bill does. It allows hotels to sell a bottle of liquor to a guest in a room which it cannot do at the present time. I think that any of you Senators that have traveled around will find that that is pretty common place in most of the major cities and states of this country. It also allows the hotels to sponsor cocktail parties for groups coming into their hotels. If you go into a hotel as a guest in a group they usually have a get-together party to let you get to know each other. This is not within the law now. The Liquor Commission felt that they wanted this legislation in to correct the law. There was no opposition to it and we think it ought to pass.

Adopted. Ordered to third reading.

HB 381, relative to the local option regarding the sale of liquor and beverages. Ought to pass. Sen. Kelly for the committee.

SEN. KELLY: This bill was drawn up at the request of the Liquor Commission to take care of a situation that developed most acutely during the past year. I refer to the town of Greenland's vote on the liquor store. At the present time when a town votes on questions on the ballot, if they vote against having a liquor store in the township they also vote against any other liquor license. This is what happened in Greenland, the case wound up in the court, Justice Wyman threw the case out on the grounds that the townspeople didn't know exactly what they were voting for. What this bill would do is to add a second section to it to allow people to vote two ways as far as liquor is concerned. One if you want a liquor store, and one if you want liquor licenses in your community. So you don't vote one down without the other. The committee recommends ought to pass.

Adopted. Ordered to third reading.

HB 457-FN, making certain revisions in the motor vehicle road toll laws. Ought to pass with amendment. Sen. Blaisdell for the committee.

SEN. BLAISDELL: HB 457-FN is a complicated bill that was introduced by Earl M. Sweeney from the Department of Safety. It does a lot with the motor vehicle road toll laws. I will certainly be glad to go down through each section if you like. There are 35 sections. It is an agreed to bill. We had good speakers, Russ McCleary from the New Hampshire Motor Transport Association. Earl Sweeney did an excellent job in taking care of this. Stacy Cole spoke, and he is responsible for the amendment we present to you that has to do with confidential information on how many gallons a dealer would sell. We felt that was a reasonable request to protect that information. We think the bill ought to pass. There was a lot of work done on this and we say it ought to pass.

SEN. MANN: This will be worked into the recodification?

SEN. BLAISDELL: Yes, Sen. Mann. You are talking about the 100-100 bill?

SEN. MANN: Right.

SEN. BLAISDELL: Yes, that was brought out and it also takes care of the reciprocity between here and Vermont. It was an excellent piece of legislation.

Amendment to HB 457-FN

Amend RSA 265:14, V as inserted by section 5 of the bill by striking out same and inserting in place thereof the following:

V. The transporter shall report to the director on forms prescribed by him, not later than the last day of the succeeding calendar month, under penalties of perjury, all deliveries of motor fuel made to points within the state. Such reports shall contain sufficient information to identify the quantities delivered, the consignor, the consignee and such additional information as the director may require. A negative report shall be filed for any month in which no activity occurs. Information required pursuant to this paragraph which has been deemed confidential or as to which a request for confidential treatment is pending shall not be shown to or reviewed by any person other than such employees of the department of safety who have a legitimate need to know such information for the purposes of enforcement of this chapter, or fuel tax officials of another state as required by RSA 265:25, I, in which case

such officials shall be required by the director to agree to a similar limitation on disclosure before such information is furnished.

Amend RSA 260:42, V as inserted by section 21 of the bill by striking out same and inserting in place thereof the following:

V. The transporter shall report to the director on forms prescribed by him, not later than the last day of the succeeding calendar month, under penalties of perjury, all deliveries of motor fuel made to points within the state. Such reports shall contain sufficient information to identify the quantities delivered, the consignor, the consignee and such additional information as the director may require. A negative report shall be filed for any month in which no activity occurs. Information required pursuant to this paragraph which has been deemed confidential or as to which a request for confidential treatment is pending shall not be shown to or reviewed by any person other than such employees of the department who have a legitimate need to know such information for the purposes of enforcement of this subdivision, or fuel tax officials of another state as required by RSA 260:56, I, in which case such officials shall be required by the director to agree to a similar limitation on disclosure before such information is furnished.

Amendment adopted. Ordered to third reading.

HB 491-FN, creating a uniform interest rate penalty for the late filing of tax returns. Ought to pass with amendment. Sen. Blaisdell for the committee.

SEN. BLAISDELL: This bill, HB 491-FN, creates a uniform interest rate penalty for the late filing of tax returns. This was brought in by Lloyd Price from Revenue Administration. Sen. Monier just mentioned to me that this is not the big interest rate that we are paying today but the current rate as per 1½% per month, which would end up at 18%. We feel that this is a reasonable request. If you notice in the analysis of the bill it tells you who is being taxed. The Senate Ways and Means Committee felt that on issue was not ad-

dressed. The House had several bills but I guess they just didn't follow through on it. As you know, in the cities and towns the people who do not pay their property taxes are assessed today at a point of 9%. That is creating quite a problem with the cities and towns and our Senate Ways and Means Committee felt that we should go along with the same interest rate that Lloyd Price is going along with here in his bill, which would be 18% per year. I think that is a very important piece of legislation for the cities and towns because as you know there are people who take advantage of that. I don't think they should. I think the way money is today it would certainly cost the cities and towns a lot more money to borrow. I agree with the amendment, the Senate Ways and Means Committee agreed with the amendment. I hope you consider it.

SEN. CONLEY: I was looking at that Item A. Do you know something we don't know?

SEN. BLAISDELL: The taxation of incomes. No I never saw that Sen. Conley. I'm sorry I would have mentioned that. No, nothing that I know about, no.

SEN. CHANDLER: On the penalty for late paying of real estate tax, there are two different rates that we have now. There is a late payment of a certain rate before the sale and then after the sale in order to redeem it it is a higher rate. Would this 18% apply to the first period or the second period?

SEN. BLAISDELL: It would apply to both, Sen. Chandler.

SEN. CHANDLER: It would?

SEN. BLAISDELL: Yes, that is the way it was brought in.

Amendment to HB 491-FN

Amend the bill by striking out section 14 and inserting in place thereof the following:

14 Interest on Unpaid Public Taxes; Change in Percentage Rate. Amend RSA 76:13 (supp) as amended by striking out in line one the number and words "9 percent per annum" and inserting in place thereof the following (1½ percent per month) so that said section as amended shall read as follows:

76:13 Interest. Interest at 1½ percent per month shall be charged upon all taxes except resident taxes not paid on or before December 1 after their assessment, which shall be

collected from that date with the taxes as incident thereto, except in the case where a tax bill sent to the taxpayer on or after November 2 and before April 1 of the following year interest shall not be charged until 30 days after the bills are mailed. Interest due that amounts to less than \$1 may be waived by the collector, with the approval and consent of the board of selectmen and the board of assessors, if in his judgment the administrative and collection costs involved do not warrant collection of the amount due. The tax collector shall state on the tax bill the date from which interest will be charged and such date shall be determined by the day the collector sends out the last tax bill on his list. The collector shall notify the commissioner of revenue administration in writing of the date on which the last tax bill was sent.

15 Semi-Annual Collection of Taxes in Certain Towns and Cities. Amend RSA 76:15-a (supp) as inserted by 1969, 497:2 as amended by striking out said section and inserting in place thereof the following:

76:15-a Semi-Annual Collection of Taxes in Certain Towns and Cities. Taxes shall be collected in the following manner in towns and cities which adopt the provisions of this section in the manner set out in RSA 76:15-b. A partial payment of the taxes assessed on April 1 in any tax year computed by taking the prior year assessed valuation times $\frac{1}{2}$ of the previous year tax rate; provided, however, that whenever it shall appear to the selectmen or assessor that certain individual properties have physically changed in valuation they may use the current year appraisal times $\frac{1}{2}$ the previous year's tax rate to compute the partial payment. Partial payment of taxes assessed under this section shall be due and payable on July 1 of the present tax year. A payment of the remainder of the taxes assessed on April 1, minus the payment due on July 1 of that year shall be due and payable December 1. Interest charged on all taxes shall be in the amount as prescribed in RSA 76:13.

16 Redemption of Land Sold; Change in Interest Rate. Amend RSA 80:32 as amended by striking out in line 5 the words "eleven percent interest" and inserting in place thereof the following (interest at 2 percent per month) so that said section as amended shall read as follows:

80:32 Redemption. Any person interested in land so sold may redeem the same by paying or tendering to the collector, or in his absence, at his usual place of abode, at any time

before a deed thereof is given by the collector, the amount for which the land was sold, together with costs for notifying mortgagees, if any, and with interest at 2 percent per month upon the whole amount from the time of sale to the time of payment or tender, together with redemption costs incurred. In case the tax collector who sold the property in question shall have died, become incapacitated, been removed from office or removed from the town or city or shall have been discharged from his bond by the selectmen or assessors, then the person interested in redeeming the property may tender the aforesaid sums to the tax collector then in office of said city or town; and upon advice from the selectmen or assessors that the amount tendered is the correct amount due, the said tax collector shall accept said amount for the redemption of said property.

17 Payment of Subsequent Tax; Change in Percentage Rate on Amount Paid. Amend RSA 80:37 (supp) as amended by striking out said section and inserting in place thereof the following:

80:37 Payment of Subsequent Tax. The purchaser of real estate at any tax sale may pay to the collector any tax assessed upon the real estate subsequent to that for which it was sold and the collector shall, within 15 days after such payment, notify the register of deeds thereof, giving the date and the amount of such payment and the name of the person so paying together with the date of the tax sale, the name of the person taxed and a description of the property sold as shown in the report of sale recorded in the registry of deeds. The collector of taxes shall receive \$.50 for such notice to the register of deeds of the subsequent payment plus \$.50 to be paid to the register of deeds. The purchaser, within 15 days of payment of the subsequent tax, shall personally, or by certified mail, notify in writing any mortgagee who was notified of his purchase at the tax sale of his payment of the subsequent tax. The purchaser paying the subsequent tax shall receive the same fees prescribed for notifying the mortgagee of his purchase at the tax sale to be included in his costs to be paid by the person making redemption, except that when a town is a purchaser at a tax sale and the town pays a tax subsequent to that for which the real estate was sold and the selectmen direct the collector of taxes as agent for the town to give notice of payment of a subsequent tax to any mortgagee

who was notified of the purchase by the town at the tax sale, the collector shall be paid the sum of \$1 for this service. Any amounts so paid on account of subsequent taxes, together with interest thereon at the rate of 2 percent per month from the date of payment shall, in addition to the purchase price at the time of sale with accrued interest and costs, be paid by the person making redemption.

18 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted. Ordered to third reading.

HB 399, relative to fair dealing in the distribution of fermented malt beverages. Ought to pass. Sen. Blaisdell for the committee.

SEN. BLAISDELL: HB 399 is just what it says. It is relative to fair dealing in the distribution of fermented malt beverages. This bill regulates wholesale agreements for the distribution of fermented malt beverages. It is an agreed to bill. They worked all summer long on it. We heard testimony after testimony, no one opposed it. We think it is an excellent piece of legislation and commend the people for working so hard. When you can get labor and other people together and come out and agree to a bill then you have done a good job. I congratulated them in the committee and I think it ought to pass.

Adopted. Ordered to third reading.

HB 433-FN, revising the tobacco tax laws. Ought to pass. Sen. Blaisdell for the committee.

SEN. BLAISDELL: This is another housekeeping bill from Mr. Lloyd Price revising the tobacco tax laws. As you know we have had some problems in the State of New Hampshire on bootleg cigarettes and people going in and selling them to stores without the stamp tax on it. This will stop that. Lloyd Price was adamant that this type of legislation should pass. We in the Ways and Means Committee certainly agreed with him and hope you agree with us.

Adopted. Ordered to third reading.

HB 535-FN, permitting bowling centers with 6 or more lanes to receive special liquor licenses. Ought to pass. Sen. Blaisdell for the committee.

SEN. BLAISDELL: This is what they call a North Country bill. I should have had Sen. Lamontagne report this because he sent a very nice young representative to me to speak before my committee. What it does is allow a liquor license for those bowling alleys which have less than ten lanes. There aren't very many in the state of New Hampshire. She made an excellent presentation. We feel that it would be a good thing for the North County and I think that if Sen. Lamontagne would like to speak to it I would be very glad to have him. We think it ought to pass, it is an excellent piece of legislation.

Adopted. Ordered to third reading.

HB 713-FN, redefining special wine licenses to permit the serving of wine without food in containers other than glasses. Ought to pass. Sen. Blaisdell for the committee.

SEN. BLAISDELL: If you don't drink wine after these next four bills you never will because that is what they deal with. It was a complete endorsement by the Liquor Commission. Bill Tasse come in a spoke to it. Hal Thomas from the New Hampshire Hospitality Association came in. We did have a little bit of opposition from the Christian Civic League but he was very nice about it. We think the bill should pass. It will help out the small people who are trying to make a living in this state. We agree to it.

SEN. BERGERON: Sen. Chandler asked me a question that I can't answer. He wanted to know if he votes for this bill can he serve wine by the pail?

SEN. BLAISDELL: Only in Warner. We brought that out in the committee and it was only that they would serve it by the pail in Warner. That was the only place.

Adopted. Ordered to third reading.

HB 714-FN, removing the prohibition on service bars in restaurant dining rooms for purposes of liquor licenses. Ought to pass. Sen. Blaisdell for the committee.

SEN. BLAISDELL: This again is really another house-keeping type of thing. As you know most restaurants have to have their own bar outside and this would just permit them to while they were serving a meal to save the girls a long step in going into the dining room and into a cocktail lounge to get the liquor. They would have to still serve food so it is not opening up that end of it. We felt that it was a reasonable request and recommend ought to pass.

SEN. SANBORN: You made the statement earlier on HB 376 relative to service bars and functions in dining rooms and hotels and restaurants, that other legislation, and I gather this piece of legislation, would cover. As you report it you say only restaurants or dining rooms. Will that also be allowed, you know many of our hotels now, modern ones, have function rooms for a get-together or something like that and do not actually serve food in there?

SEN. BLAISDELL: When we get through these next two bills it will all be covered, I hope. Really, it should have all been in one bill but we had to listen to all of them. They are coming, Senator, and it will be in there.

SEN. SANBORN: It will be in one of the other bills?

SEN. BLAISDELL: It will be in one of the other bills, definitely.

Adopted. Ordered to third reading.

HB 715-FN, relative to liquor licenses for first-class hotels. Ought to pass. Sen. Blaisdell for the committee.

SEN. BLAISDELL: This is the bill that Sen. Sanborn is questioning me about. This will allow first-class hotels to do exactly what HB 714-FN did. This is a housekeeping bill.

Adopted. Ordered to third reading.

HB 717-FN, relative to limitations on the sale of liquor and wine by first-class restaurant licensees. Ought to pass. Sen. Blaisdell for the committee.

SEN. BLAISDELL: This again is another one of the bills that was requested by the Liquor Commission. It allows liquor and wine to be served by properly licensed first-class restaurants to persons without meals. Again, what it means is that if they are serving a meal in the dining room that they can go in and have a cocktail, sit down and have a drink, without having to order a meal. It also means that they still must be serving meals from that restaurant. To me it was a reasonable request and the Ways and Means Committee said it ought to pass.

Adopted. Ordered to third reading.

VACATE

Sen. Freese moved to vacate HB 863-FN, HB 909, and HB 910 from Internal Affairs to the Committee on Insurance.

Adopted.

Sen. Splaine spoke under Rule 44.

SEN. SPLAINE: I made a promise to the members of this Senate and today I plan to keep it. It concerns an important matter of safety — and life or death — to the people of this state, and it deserves your times, so I ask you to stay and listen as I speak.

On April 21, less than three weeks ago, by roll call votes of 13 to 7, this Senate killed two bills I had sponsored, along with several co-sponsor legislators from the Seacoast Area. This Senate killed Senate Bill 76, which would have allowed towns and cities to work out available alternate routes on roads through their communities, if one was possible. This Senate also killed Senate Bill 78, which would have allowed towns and cities to require security measures for traincars carrying hazardous gases which would park overnight on railway sidings, or restrict them entirely.

Both bills dealt with the transportation of LPG and LNG — liquid energy gases, which are among the most dangerous and explosive gases transported today. Both bills had been strongly supported by fire officials, who pointed out the potential dangers.

As we debated these issues on April 21st, I made a promise. I said, "If you defeat these bills today, and if we have a big bang — an explosion caused by gases I referred to before — I will return to this Senate floor with the roll call we'll be having on these bills, and I'll point fingers and remind you what you did today. And I'll point fingers at those lobbyists and industry representatives who worked so hard to kill this legislation."

Here I am, and here's the roll call. Voting to kill these safety measures were Senators Conley, Freese, Hough, Bergeron, Chandler, Wiggins, Monier, Stabile — I want to emphasize that name since he fought particularly hard — Stabile of Nashua, Kelly, Podles, Sanborn, Brown, and Roy.

And just as important because they worked behind the scenes in ways which I still don't fully understand, are the lobbyists, and industry representatives, who also spoke at the public hearing on these issues. They are Russell MacCleery, of the N. H. Motor Transport Association; James Bean, of the Boston & Maine Corporation; Don D'Ambroso, of the Association of N. H. Utilities; Stacy Cole, Executive Director of the N. H. Petroleum Council; Cedric Dustin, Jr., President of Concord Natural Gas Corporation; Taylor McPherson, owner of a storage facility of gases in North Hampton; Ansel Tupper, General Superintendent, Maine Central Railroad, and Ruth Kosantos, representing the Sea 3 LPG Storage Facility in Newington.

Well, I fulfilled my pledge to return today because we did have an explosion of a hazardous gas. Fortunately, it was at a storage facility rather than on a roadside or railroad siding near one of hundreds of residential complexes throughout the state. Unfortunately, two lives were lost. It was an explosion in a storage tank which was supposedly empty at the time, but which still was volatile. And the gas involved was not even as explosive as is LPG and LNG — the liquid energy gases which are transported by rail and road throughout New Hampshire and which has in other parts of this country caused death when such safety measures as those provided by Senate Bills 76 and 78 are not imposed.

Please, I ask you today to reconsider these issues. The two bills cannot be reconsidered because of the parliamentary situation, but the issues — and the safety — which they represent can be reconsidered.

Why won't at least a few of you on the roll call list I just mentioned, show some independence and assume some leadership of your own?

Portsmouth City Manager Calvin Canney, speaking to the committee which held a public hearing on these two bills four weeks ago — exactly one month ago today — said that for one reason or another, the Seacoast Area has ended up being the depository of the storage of, and consequently most of the transportation for, hazardous fuels, with liquid energy gases being the most serious and dangerous.

We can assume that responsibility, if we have to, but please give us a margin of safety. Give us that right. Accidents do happen, already have happened, and the people of this state need a margin of safety.

The people of the Seacoast Area, and this state, require a margin of safety.

The people of the Seacoast Area, and this state, demand a margin of safety.

That's what we're here for. It's our obligation in government to assume the public trust and serve it. I would prefer not to have to return to this Senate floor with this speech and not to have to remind your own constituencies about your lack of concern.

SEN. MANN: Just one question, Senator. What was in that tank that exploded that you are referring to?

SEN. SPLAINE: It was a concentration of jet fuel. The tank itself was empty, by the way. It was being cleaned at the time. LPG, the liquid energy gases which we have at Sea 3 and, of course, which we are talking about transporting in this case, are even more volatile than the jet fuel which was involved in this case. Thank goodness at least the jet fuel tank was empty, but the fumes were not. Consequently I think that it is very obvious that what we are talking about is a gas which could be much more severe than what we saw.

SEN. MANN: This would not be referred to in your bill as I remember?

SEN. SPLAINE: This particular type of fuel would not be. I want to emphasize the fact because I think perhaps in your case or in the cases of some of the Senators here who were present and voted against this legislation, that this is illustrative of the fact that these types of gases are extremely dangerous.

Sen. Brown spoke under Rule 44.

SEN. BROWN: Number 1, the incident that Sen. Splaine speaks of is jet fuel, owned and operated by the United States Government which those two bills that he spoke of would have no bearing on whatsoever. There was investigation that came up from Washington to check in on it and they also while they were there checked the plant across the street which these two bills that we killed were intended for. The investigation and also a report from Sen. Splaine's hometown paper came out that Sea 3 had one of the best safety factors and safety devices and were rated very highly for safety.

Sen. Sanborn spoke under Rule No. 44.

SEN. SANBORN: I thank Sen. Brown for bringing to our attention what was truly explosive at Sea 3 plant. It was a federal government installation and had nothing to do with private enterprise. But I would like to remind Sen. Splaine as I spoke on the floor against his two bills, that the interstate emergency unit has well recognized all the problems of this, but I didn't add at that time that the Newmarket Fire Department was a member of the Interstate and took care of a problem on one of the small trucks that deliver this to the various homes. There was a break in the line underneath and a fire small fire occurred, and Newmarket was able to take care of it very easily. There was no explosion. I would remind Sen. Splaine if he read the newspapers that one of these tank cars when off the railroad in the city of Dover. There was no explosion, there was no fire. Dover, who is a member of the Interstate, took care of the problem very easily and very quickly. There has also been one tractor trailer going off the road in the Seacoast area. All the Seacoast area including Portsmouth belong to the Interstate. There was no problem, no fire. The fire departments know how to take care of it very quickly and very efficiently. But I would remind Sen. Splaine that he might have his fire department in the city of Portsmouth attend a few of these meetings and learn how to take care of these problems. That is one thing they don't do.

Sen. Preston spoke under Rule 44.

SEN. PRESTON: I would like to devote, because of my Irish ancestry I guess, a few minutes to a subject seemingly distant from our deliberations on the floor of the N.H. Senate, the turmoil now on-going in Ireland. Maybe not so remote as we reflect on our citizens of Irish ancestry in New Hampshire who owe their very existence to forebears who sought our shores in the middle of the last century as a result of the "potato" famines. The Irish settled in cities like Manchester and Nashua, built and worked in the mills contributing to the healthy economic climate we enjoy in New Hampshire today. Irish women served as domestics in homes of the wealthy to work off steerage contracts for the travel in the dinghy vessels that brought them here. The contributions of the Irish to this great nation are well known and recognized.

Perhaps Bobby Sands is a "terrorist" whose suicide is his own decision, with which her Majesty's government ought not to interfere.

Nonetheless, the welling up of sympathy for Bobby Sands by . . . and for . . . the Catholic minority of Northern Ireland has roots in memory, a memory of centuries of British rule, the central components of which have been stupidity and cruelty.

The plantation of Ulster, after the "flight of the Earls," dates to the early 17th century. Some 40,000 Scotsmen came to settle in Northern Ireland, the followers of Calvin and Knox, believing God had foreordained certain souls to eternal glory (themselves) and others, the indigenous Catholics, to the fires of hell. They behaved accordingly.

At mid-century, after breaking the Siege of Drogheda, the Lord Protector put 3,000 Irishmen to the sword, writing to his Parliament: I, Oliver Cromwell, "am persuaded that this is a righteous judgment of God upon these barbarous wretches." The Catholic aristocracy and landlords were given the alternative of "to hell or to Connaught" in the distant, impoverished west of the island; and six million acres of confiscated land were distributed to 3,000 supporters of the Lord Protector.

By the century's close . . . after the Catholic Royalists had been defeated at the Battles of Boyne and Aughrim . . .

only a handful of Catholic proprietors remained in all Ireland.

In the 18th Century, the dirty work continued. The "penal laws" were imposed by the Protestant-dominated Irish Parliament in Dublin, stripping the Catholic majority of religious freedoms and civil rights. Their purpose, writes Kenneth Neil: "To disarm, disherit, and discredit the Catholic population as a whole, and to exterminate the last remnants of the Catholic aristocracy."

The laws worked splendidly. By 1800, less than 5 percent of the land was owned by the Catholic subjects, to whom their noble Sovereign George III referred as "human cockroaches."

A British agricultural reformer who visited Ireland in the year the American Colonies declared their independence of Mother England, wrote back:

"A landlord in Ireland can scarcely invent an order which a servant, or laborer dares to refuse to execute. Disrespect or anything tending toward sauciness he may punish with his cane or his horsewhip with the most perfect security . . . landlords of consequence have assured me that many of their servants would think themselves honored by having their wives or daughters sent for to the bed of their masters, a mark of slavery that proves the oppression under which such people live."

By the end of the 18th Century the fires of nationalism and rebellion against Protestant misrule had been ignited. They were extinguished in the blood of 40,000 Catholics, whose leader . . . Protestant Wolfe Tone . . . took his life rather than die on the scaffold.

The "never-failing source of all our political evils," he said of London's line to the island.

Nonetheless, by 1841, the population of Ireland had grown to eight million souls. Then disaster struck. Three failed potato crops in the four harvests between 1845 and 1849 left one in eight Irishmen dead of starvation, and sent another one in eight scattered across the seas in boats about which an English observer wrote:

"The Black Hole of Calcutta was a mercy compared to the holds of these vessels." In the passage, one of six Irish men, women and children, perished of disease or shipwreck.

Practicing a policy of "benign neglect," no British Prime Minister visited the island during the disaster, or intervened

to diminish its horrifying scope. The Irish, wrote Matthew Arnold, are a "beaten race."

Well into the 20th Century, British contempt for the Irish people persisted.

After the Easter Uprising of 1916, England committed what Neil calls "its greatest blunder in seven centuries in dealing with Ireland." Instead of exiling the rebels or sentencing them to life imprisonment, the British hanged them, converted them into martyrs, cut the ground from under the Home Rule Party and set Ireland, irrevocably, on the road to revolution and independence.

When the "Blacks and Tans" failed with their ferocity to quell the rebellion, Mother England turned loose the Irish Free State . . . but not before carving out six counties of Ulster where power was left in the hands of a Protestant majority which set about treating its minority with the same enlightenment the British had shown in centuries of misrule.

If, today, Maggie Thatcher's conservative government is being unfairly cast as the villain of the melodrama at Maze Prison, there is, in the reversal of roles, small measure of poetic justice.

To name a few who have so contributed in New Hampshire: Connors, Donovan, Flanagan, Flynn, Galway, Healy, Hennessy, Keefe, Kennedy, McGlynn, McIver, Sweeney, Mulligan, O'Connor, O'Neill, Quinlan, Riley, Sullivan, Blaisdell, Burke, and Flynn.

As we stand to speak so vociferously in support of a free Israel state, and rightly so, as we speak so boldly in support of freedom for our friends in Poland, and rightly so, I rise to speak these words today in a cause as great.

Sen. Lamontagne spoke under Rule 44.

SEN. LAMONTAGNE: I would like to bring to the attention of this Senate that today the General Court has really made history. It took a quarter of a century to be able to pass some of these liquor bills that have passed today. Many of these bills have come up in the 27 years that I have been in the Senate. I want you to know that this is the first time that I have witnessed that there weren't any dry people fighting against these bills. The Chairman of the Ways and Means ought to be congratulated for doing a nice job.

ANNOUNCEMENTS

Sen. Brown moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills ordered to third reading be read a third time by this resolution and that all titles be the same as adopted, and that they be passed at the present time; and that when we adjourn, we adjourn until Tuesday, May 12, 1981 at 1:00 p.m.

Adopted.

LATE SESSION

Third Reading and Final Passage

HB 408-FN, relative to the issuance of agricultural registrations.

HB 280, limiting hunting in Meredith Neck to shotguns, muzzle loaders and bow and arrow.

HB 437, changing the dates for annual school district meetings and for notifying certain teachers concerning their re-nomination for the next school year.

HB 631-FN, permitting the establishment of student loan corporations.

SB 60, providing for the acquisition of certain dams and water rights and repair therefor by the water resources board and making an appropriation therefor.

SB 120-FN, establishing a boxing and wrestling commission and making an appropriation therefor.

SB 204-FN, making appropriations to expand the nursing programs at the technical institute and at the vocational-technical colleges.

SB 170, providing a salary grade increase for Laconia state school employees authorized to administer medication.

SB 400-FN (HB 132-FN), relative to sunset review of the standardbred breeders and owners development agency.

SB 291-FN, establishing an interim committee to study controls of off highway recreational vehicles.

SB 289, providing for the purchase of a state liquor store on Coliseum avenue in Nashua and making an appropriation therefor.

SB 121-FN, relative to the commission to develop a statewide water policy.

SJR 1-FN, creating a new special committee to study revenue reform at all levels of government.

SB 85-FN, relative to authorizing the department of resources and economic development, division of parks, to purchase the historic Crawford cannon for public display.

SB 1, reapportioning the state senate districts.

SB 2, reapportioning the executive council districts.

HB 768-FN, adopting the NH/VT interstate solid waste compact.

HB 552, to clarify the functions of the medical examiner.

HB 536-FN, increasing the fees of bail commissioners to \$7 and \$12.

HB 290-FN, relative to supplying of generic drugs by pharmacists.

HB 572, relative to county jails and houses of correction.

HB 403, relative to the confiscation of items used in connection with a felonious drug offense.

HB 553, removing certain limitations on the prescription of controlled drugs.

HB 820, relative to the emergency medical service coordinating board.

HB 520-FN, authorizing cities and towns to close restaurants and other food serving establishments for health code violations.

HB 529, relative to adoption records.

HB 824, setting a limit on the number of children permitted in foster care.

HB 367, relative to entertainment provided by certain first class ballrooms with liquor licenses.

HB 377-FN, to permit certain promotional uses of liquor by hotels in soliciting and providing for convention business.

HB 381, relative to the local option regarding the sale of liquor and beverages.

HB 457-FN, making certain revisions in the motor vehicle road toll laws.

HB 491-FN, creating a uniform interest rate penalty for the late filing of tax returns.

HB 399, relative to fair dealing in the distribution of fermented malt beverages.

HB 433-FN, revising the tobacco tax laws.

HB 535-FN, permitting bowling centers with 6 or more lanes to receive special liquor licenses.

HB 713-FN, redefining special wine licenses to permit the serving of wine without food in containers other than glasses.

HB 714-FN, removing the prohibition on service bars in restaurant dining rooms for purposes of liquor licenses.

HB 715-FN, relative to liquor licenses for first-class hotels.

HB 717-FN, relative to limitations on the sale of liquor and wine by first-class restaurant licensees.

Adopted.

RECONSIDERATION

Sen. Brown moved reconsideration on SB 1 and SB 2.

Motion failed.

Senator Champagne moved the Senate adjourn at 5:05 p.m.

Adopted.

Tuesday, May 12, 1981

The Senate met at 1:00 p.m.

A quorum was present.

Sen. Sanborn in the Chair.

The prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Lord, help us to consider the plight of our people and their needs.

May we find a solution to alleviate some of the frustrations which must be present among many as they face the loss of income or services because of monetary problems.

Make us aware of the needs and the plan to overcome them!

Amen

Senator Monier led the Pledge of Allegiance.

Sen. Brown moved the following resolution:

Resolved, that in accordance with the list in the possession of the Clerk, House Bills numbered 74-FN through 892 which corresponds with the lists on your desks, shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE BILLS

First, Second Reading and Referral

HB 74-FN, to establish the state energy resources department. (To Development, Recreation & Environment)

HB 110, recodify the unemployment compensation law and making an appropriation therefor. (To Insurance)

HB 841-FN, to provide for the protection and preservation of historic resources. (To Development, Recreation & Environment)

HB 903-FN, relative to retirement of probate judges at age 65 and 20 years of service. (To Finance)

HB 452-FN, creating a committee to study the establishment of a contributory retirement system for all full-time district court justices and every justice of the probate, superior, and supreme courts in the state of New Hampshire. (To Finance)

HB 705-FN, providing a lump sum refund for group I members of the New Hampshire retirement system. (To Finance)

HB 774-FN, creating a committee to study the settlement laws and the public welfare system. (To Public Inst/Health & Welfare)

HB 600, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1982 and June 30, 1983. (To Finance)

HCR 9, authorizing the display of the New Hampshire National Guard Commendation Medal in the Trophy Room of Arlington Memorial Amphitheater at Arlington National Cemetery. (To Public Affairs)

HB 892, establishing an office for children and youth. (To Finance)

Adopted.

ENROLLED BILLS AMENDMENT

HB 58, an act updating several portions of the statutes to conform to current practice or law. Sen. Wiggins for the committee.

SEN. WIGGINS: This amendment is needed to describe the subject matter of the bill more accurately.

Enrolled Bill Amendment to HB 58

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

making several changes in the statutes relating
to vital records and health statistics.

Amendment adopted.

REPORT

Sen. Bergeron gave the following report on state revenues:

In the interest of effective communication, we have in the Senate Finance Committee tried to outline our fiscal situation in what we call 'Check Book Form' so that the average voter can clearly see what the true state's fiscal situation is. Let me hand out our May 1st checkbook statement for your perusal.

The first item in which there is complete agreement is the beginning balance at the end of the first year of this biennium. The agreed beginning balance as of July 1, 1980 is \$9,643,372.

You never know exactly what revenue for the current year will be until the year is over. As the economy fluctuated and events transpired, that figure has varied widely. Now that we are in the last 50 days of the fiscal year, and the business profits tax figures are in, our best revenue estimate for this year is \$232,627,000.

Because of the substantial decreases in business profits revenue this year, the base for the next two years is also decreased. Our best estimate of revenue from current sources

with no new taxes for 1982 is \$246,582,000. The estimate for 1983 revenue from current sources is \$260,713,000. Adding the revenue estimates for 1981, 1982 and 1983 together, plus the beginning balance, we get *the total money available through the next biennium of \$749,565,372.*

From that, of course, we must deduct any outstanding checks. The first and biggest outstanding check, is the adjusted budget for 1981. That totals as you can see, just over \$265 million.

Check numbers 2, 3 and 4 are bills already signed into law to pay part of our deficit for the current year, they total \$14,893,786. Adding the four current outstanding checks together we find that the estimated total 1981 spending level is \$280,157,386. When you subtract that from the funds available, of \$749 and a half million dollars, you get the base amount of money we have left to spend in the next two years — \$469,407,986.

If you divide that evenly between the two years, you would have \$234.7 million dollars for each year. What that says to me is that our current spending level is \$280 million dollars a year and we have an average of \$234 million dollars available for each year for the next two years.

This means, in honest, straight-forward talk, that we are going to have to spend \$45.5 million dollars less *each of the next two years*, or a total of \$91 million dollars less for the biennium just to meet the program costs now on the books.

The \$91 million dollar shortfall does not allow for any additional inflation, increased costs, pay raises, or the loss of federal revenue sharing and the other proposed federal budget cuts. Thus we clearly have to either increase revenue somewhere near the \$91 million dollar amount *or cut spending* by that amount or a *combination of the two*. That means we have to reduce the total state general fund budget by approximately 16% for the next biennium unless acceptable new revenue measures are enacted by the legislature.

There are obviously areas of fixed costs in government, such as interest on debts, fixed cost retirement programs already on the books, that cannot be cut across the board. Thus we will have to make cuts of a higher magnitude in other areas. I believe that is an honest appraisal of New Hampshire's current budget situation.

NEW HAMPSHIRE CHECKBOOK AS OF MAY 1, 1981

RESOURCES AVAILABLE (Revenue)

Agreed Beginning Balance 7/1/80	\$ 9,643,372
Revenue Estimated for FY 1981	232,627,000
Estimated Revenue for 1982 from Current Sources — No New Taxes	246,582,000
Estimated Revenue for 1983 from Current Sources — No New Taxes	<u>260,713,000</u>
TOTAL FUNDS AVAILABLE FOR PERIOD 7/1/80 to 6/30/83	\$749,565,372

CHECKS OUTSTANDING

No. 1 FY 1981 Adjusted Authorized Expenditures (Net)	\$265,263,000
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FY 1981 Deficiency Appropriations:

No. 2 HB 425 —	\$3,695,829
No. 3 SB 10 —	4,546,617
No. 4 HB 9 —	<u>6,651,340</u>
	\$14,894,786
	<u>\$14,893,786</u>

TOTAL 1981 SPENDING LEVEL	\$280,157,786	<u>\$280,157,786</u>
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AMOUNT LEFT OVER OR TOTAL FUNDS

AVAILABLE FOR NEXT BIENNIUM	\$469,407,986
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Average Funds Available Each
of Next 2 Years

\$234,703,993

Shortfall FY 1982-1983

Current Spending Level	\$280,157,386
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Average Funds Available	<u>234,703,993</u>
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\$ 45,453,393
x 2 Yrs.

BIENNIAL SHORTFALL:	<u>\$ 90,906,786</u>
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The following statement was presented by Sen. Monier:

We have a very serious fiscal shortfall, but panic is not the answer.

I, for one, see a light at the end of the tunnel. If we make sharp, short range cuts, and bring our immediate spending into line with our known income, we can absorb the current deficit, and manage the crisis.

It should be clearly understood that, in the last biennium the final appropriated level of spending was \$566 million.

The 1978-1979 level of appropriations was \$435.4.

The 1976-1977 level of appropriations was \$351.1.

The 1974-1975 level of appropriations was \$291.0.

The current level of appropriation in HB 600 is \$597.

This does not represent a reduction in spending, and certainly an increase of \$151 million in new revenues does not represent a reduction in taxation.

The budget, as passed by the House, contains \$127 million in new revenue and \$24 million in revenue change or a total of \$151 million in new spending funds. This includes both new taxes, and fiscal ledgerdemain that shifts spending between the state, and the cities and towns. The specific amounts for the various new revenue proposals are as follows:

Rooms & Meals Tax removing collection fee and reducing cities & towns share	\$ 5,655,250
Business Profits Tax Surtax of 13½%	17,091,000
Payroll Tax of 1%	<u>104,000,000</u>
	\$127 Million

The other major revenue changes totaling \$24 million include:

HB 66, Interest & Dividend Reimbursement	\$11 Million
HB 505, Closing B.P.T. Loopholes	7 Million
HB 952, Real Estate Transfer Tax on Seller	<u>6 Million</u>
	\$24 Million

Thus, it can be clearly seen that the budget as passed by the House contains \$151 million in new spending.

It is my plan, to send each of these proposed changes, to the Ways and Means Committee. I will ask the committee to deal with each change, as though it were a separate piece of legislation. The Ways and Means Committee will hold full but expeditious public hearings, and report these revenue measures to the full Senate. Once the full Senate has voted these measures either up or down, we will have a determination as to how much revenue the Senate Finance Committee will have available to allocate among the competing priorities faced by our state government.

The basic difference between the House and Senate approach is as follows:

The House took the approach of determining how much money is needed to meet the perceived needs of the vested interest, and then proceeded to go out and raise the necessary revenue.

The Senate approach is to determine how much money we have got, and allocate that amount of money, by agreed upon priorities, among the various programs of state government. The Senate will determine, how much money we have from existing revenue sources, and which of the revenue proposals of the House can get the necessary votes for passage, in the full Senate. By doing that, we will know what funds we have available.

Once we know what the total revenue available to us is; it is our plan to have the Senate Finance Committee, utilize the priorities established by the various departments, to assist us in allocating the available funds. We will, first of all, go through the list of each agency of state government, and establish priorities among the agencies, as to which shall be fully funded, which shall be partially funded, and which shall be eliminated.

We will then examine those agencies we intend to fund. We will review the priorities among their various programs they have submitted to the Senate Finance Committee to determine if the Senate Finance Committee agrees with the ranking of priorities, as set forth by the agency itself.

Once we have established priorities for programs within the agency, we will determine how to divide the available funds among the various priority programs. We intend to fund these priority programs by allocating a dollar amount for each priority program and let the managers of the depart-

ments develop a fiscal expenditure plan to carry out the agreed upon objectives of their programs.

Our state's fiscal picture, of course, reflects the state of our national economy. Business profits tax is our largest source of revenue. When the national economy is good, state income soars because our businesses are prosperous. When the national economy takes a down turn, it accelerates the problem at the state level. Not only do our current business profits tax revenues decrease, but businesses decrease future tax estimates, and apply all existing tax credits they can find.

The other dominant force in our revenue is weather. Tourism is a major revenue source. Liquor, tobacco, rooms and meals, and racing are heavily influenced by tourism. Tourism is affected by weather and the amount of disposable income in the hands of consumers.

Traditionally, New Hampshire has estimated revenue very conservatively, so when our economy goes up we end up with a budgetary surplus. Unfortunately, in the last biennium, the revenue estimate was quite liberal, the economy went down, and that contributed substantially to our deficit.

I expect our national economy to be revitalized by President Reagan's economic plans. When that happens, it will assist us in making our own economic recovery.

We must remember, that we got into this problem by spending a \$33 million surplus for current expenses, which increases our spending base rather than using it to retire debt or making a one time expenditure for capital items. When the surplus was gone, we had a substantial gap between our spending rate and our income level. This was accelerated by a downturn in the national economy, inflation, increased energy costs, and some unanticipated state problems like the loss of Rockingham. We would not be in the current mess if the executive had cut back spending rates to our income level when the above listed problems first surfaced.

The administration for their own political purposes pretended these problems did not exist for nearly two years which greatly widened the gap between spending and income and caused the magnitude of the current fiscal shortfall.

Because of the depth of our current problem we cannot remain with the 'business as usual' approach to state budget making. We cannot be panicked into drastically changing our sources of revenue. As President Reagan said to Congress,

"The American people now want us to act, and not in half-measures. They demand — and they have earned — a full and comprehensive effort to clean up our economic mess."

But to fail to act will delay even longer — and more painfully — the cure which must come.

That message was very simple. Our government is too big and it spends too much.

High taxes and excess spending growth, created our present economic mess; more of the same will not cure the hardship, anxiety, and discouragement it has imposed on the American people.

Let us cut through the fog for a moment. The answer to a government that's too big is to stop feeding its growth. Government spending has been growing faster than the economy itself. The massive national debt which we accumulated is the result of the government's rich spending diet. Well, it's time to change the diet and to change it in the right way."

Our state of New Hampshire, and each of our citizens faces the exact same problems. We must restrain, wherever possible, state spending. We cannot improve New Hampshire's economy by increasing taxation and maintaining current spending levels. We must leave the money in the hands of the people. Continued government spending is not the way to stimulate New Hampshire's economy.

As Boston Herald American economic consultant Warren Brooks has repeatedly point out, over the past ten years New Hampshire's economy has been substantially better than our neighboring states primarily because we choose to manage state government frugally, limiting state taxation and thus leaving more disposable income in the hands of our citizens and our businesses.

Brooks points out that this makes more dollars available for savings which are thus available for capital formation, and economic expansion. Limited taxation also leaves dollars in the hands of consumers who can spend it for produced goods and services — thus, further stimulating the economy.

We must not be panicked by the current fiscal crisis into changing our ways and losing this economic advantage that has kept New Hampshire's economy the envy of our neighboring states and one of the most vigorous in the nation.

In order to accomplish this we must take a new approach to the state budgeting process. For too long the state legis-

lature has tried to act like a comptroller and set policy by budgetary footnotes and rigid spending controls — through budgetary cataloging.

Unfortunately, some veteran legislative fiscal experts have worshipped at the altar of budgetary status quo because they can take care of governmental friends and enemies through a singular dictorial budgetary process. It is time that the legislature assume its rightful role of setting overall policy — similar to a board of directors — rather than intrude in the managerial decision-making process by budgetary footnotes and stringent line items.

I am pleased that the Appropriations Committee in its proposed House budget adopted the concept we originally proposed in Senate Finance last February, of giving grants to two of our largest agencies and then letting the department establish priorities within those spending allocations. I believe that is a good concept — but they do not go far enough.

The Senate Finance Committee is going to explore utilizing that process throughout state government agencies.

Unfortunately, the House on Thursday voted to remove some of those managerial freedoms that have been proposed from the department heads — by reinstituting the entire stifling personnel rules and procedures for these two departments.

We must let managers manage.

Make no mistake about it. Changing budgetary concepts alone will not solve our problem. We must substantially reduce our expenditure level and spend within the available income. The Senate has made it crystal clear that our number one objective will be to spend no more than available revenue, while utilizing a new system for establishing spending priorities.

We asked the department heads, in their decision making packages, to rank the various programs in their agency on sound management criteria rather than playing political games to try to stir up the populace to save their turf. Working together we can solve this problem.

We told them, as each agency head looks at each function that is now performed in his agency, he should use this criteria and ask themselves this question:

Would the majority of the people of the state of New Hampshire vote in a statewide referendum to spend the amount of tax dollars necessary for this function; or would they choose

to keep the money in their own pockets and eliminate the program?

In short, special and singular interests — beware! The will of the taxpayer shall be heard.

We know this is a unique challenge but these are difficult times. As Abraham Lincoln said, “The dogmas of the quiet past are inadequate to the stormy present. The occasion is piled high with difficulty and we must rise to the occasion. As our case is new, so we must think a new, and act a new, we must disenthrawl ourselves and then we shall save our country.”

COMMITTEE REPORTS

HCR 6, relative to safety, cost reduction, and completion of the Seabrook nuclear power plant to meet the imperative and urgent need to hold down the cost of future electricity. Majority: Ought to pass; Minority: Inexpedient to legislate. Sen. Wiggins for the Majority. Sen. Preston for the Minority.

SEN. WIGGINS: We had a hearing on this bill and all the testimony was in favor of it. When we exected it the committee was 4 to 1 in favor of it. I recommend passage. In these times of soaring electrical costs it seems to be our only alternative, to complete this plant as soon as possible, and I urge your vote on this.

SEN. PRESTON: I just see no need for such an instrument as HCR 6. Regardless of the pros and cons for nuclear power, it the question. I am going to vote against this because I think it is just an effort to further politicize the nuclear issue that can well be handled by the companies themselves in conjunction with the Utilities Commission and the NRC, and I don't think it belongs on the floor of the Senate or the House to be taken by some to be used as an instrument to say that there is political influence in this thing and we want to support it or oppose it. I just don't think it belongs before us, in good judgment.

SEN. SPLAINE: I agree. I don't think this belongs before us. I would just like to add though that I think it is obvious that it is going to pass the Senate today and I just wanted

to voice my opposition, once again, to the nuclear power plant and point out that the way that this resolution is drafted I think it is obviously self-defeating in its very intent. I think we are going to see, as we have seen in the past in the few years that the nuclear power construction, that in the final analysis the nuclear power at Seabrook with the safety precautions which are going to have to be built in which are almost impossible to achieve anyway, and an evacuation program that is going to be impossible to put together because you can't evacuate the Seacoast area in the amount of time it should be evacuated in order to provide a degree of safety for the people of the Seacoast and the state, and for all of this area. I think that the cost of nuclear power in the final analysis is going to be higher than anybody can even project today. If the nuclear power plant does ever open we are going to see costs which are really going to be quite prohibitive for both business and consumers.

Adopted. Ordered to third reading.

Sen. Preston wishes to be recorded as voting against HCR 6.

Sen. Lamontagne wishes to be recorded as voting in favor of HCR 6.

HCR 7, urging the Congress of the United States to restructure the Nuclear Regulatory Commission according to the recommendations of the Report of the President's Commission on the Accident at Three Mile Island. Majority: Ought to pass. Minority: Inexpedient to legislate. Sen. Wiggins for the Majority. Sen. Preston for the Minority.

SEN. WIGGINS: I urge you to vote as the committee has. The same thing happened in committee. All the testimony was in favor and the committee vote was 4 to 1.

SEN. PRESTON: Opposition for the same reason. I don't think this belongs here either. It is endorsed by those who have a singular purpose and it can well be handled in other regulatory agencies in Congress, other than this body.

Adopted. Ordered to third reading.

HCR 8, urging the Congress of the United States to enact legislation which would allow state rather than federal regulation of utility rates when the sale is intrastate when the generating, transmitting and distributing utilities are located in the state. Ought to pass. Sen. Wiggins for the committee.

SEN. WIGGINS: The same thing happened on HCR 8. We had all the testimony in favor and none against. The committee voted 5 to 1 in favor.

Adopted. Ordered to third reading.

ANNOUNCEMENTS

Senators Preston, Hough and Lessard are celebrating their birthdays this month.

COMMITTEE REPORTS

HB 311, restricting the horsepower of motorboats operating upon Robinson pond in Hudson. Inexpedient to legislate. Sen. Wiggins for the committee.

SEN. WIGGINS: We held a lengthy hearing on HB 311. There was testimony given by two Representatives and a couple of other persons for this. We were presented with a petition and we had about 22 people testifying against this. Their reasons seemed valid to us so we made it inexpedient to legislate. We hope the Senate will go along with the findings of the committee.

SEN. RICE: Can you tell me how large Robinson Pond is?

SEN. WIGGINS: I think it is 128 acres, or 88 acres of navigatable water.

SEN. RICE: Were those petitions signed by cottage owners?

SEN. WIGGINS: Some of them were and some of them were signed by townspeople.

SEN. STABILE: I had many calls on this particular issue. I happen to have been a developer in that area and Robinson Pond is around 85 acres of navigatable waterway. The people who live in that area are very concerned that they continue to be able to have the boats that they have had on the pond

for the last 15 to 20 years. They feel that prior to the boats going on the pond that the water today is in better shape than it was prior to, as far as weeds are concerned and whatever have you. They own the boats. This is not a cottage community lake, most of the houses on the lake are probably in the \$80,000 to \$100,000 variety. It is a very nice community and I think that the committee would probably testify to the fact that they only had two people speaking against it and the balance of the people were for it and those were the residents who live around the lake itself.

SEN. KELLY: Robinson Pond is in my district. That sailed through the House relatively easily and unnoticed, when it got over here people began waking up and I got a lot of calls on it. I would say 90% of those calls were in opposition to regulating the horsepower of boats on that pond, both from property owners right on the pond and from people in the town who use it. I have let it be known in a column that I would, as a member of that committee, vote inexpedient to legislate. I think we are on safe grounds in doing that. I think it is an issue, and I have suggested in my column, that it is an issue that ought to be addressed in Hudson. It should be given a hearing in Hudson by those more involved with it than those here in the State Senate. I recommend that we take the committee's report.

Adopted.

HB 534, redefining oil relative to oil spillage in public waters. Inexpedient to legislate. Sen. Wiggins for the committee.

SEN. WIGGINS: This was already covered and signed into law by prior legislation. We made this inexpedient at the request of the sponsor.

Adopted.

HB 606, renaming Round pond Lake Eileen. Ought to pass. Sen. Wiggins for the committee.

SEN. WIGGINS: The Boy Scouts own all the land around this pond. A wife of one of the directors died and they would like to name the lake after her. All the testimony we had was in favor of this bill and we recommend passage.

Adopted. Ordered to third reading.

HB 94-FN, to exempt energy production projects from the municipal debt limit. Ought to pass with amendment. Sen. Wiggins for the committee.

SEN. WIGGINS: We had a lengthy hearing on HB 94-FN. It exempts energy producing projects from the municipal debt limit. We put an amendment on there which is on page 20. We recommend passage of this bill.

Amendment to HB 94-FN

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Energy Production Projects to be Excluded from Indebtedness Limit. Amend RSA 33 by inserting after section 6-a the following new section:

33:6-b Exclusion from Debt Limit for Energy Production Projects. Municipalities, other than school districts and counties, may incur debt for energy production projects including the reconstruction or enlargement of a municipally owned utility, the manufacture or furnishing of light, heat, power or water for the public, or the generation, transmission or sale of energy ultimately sold to the public, by the issue of bonds or notes authorized under this chapter and as otherwise provided by law. Any debt incurred for this purpose shall be outside the debt limit prescribed in this chapter. Such debt shall at no time be included in the net indebtedness of any municipality for the purposes of determining its borrowing capacity.

Amendment adopted. Ordered to third reading.

HB 305, relative to the trout season in brooks and rivers. Inexpedient to legislate. Sen. Wiggins for the committee.

SEN. WIGGINS: We have given the Fish and Game Department the powers to set the seasons on fish and fur-bearing animals and game animals, therefore this bill was in direct violation of what we have already given them this year. We recommend this inexpedient to legislate.

Adopted.

HB 589-FN, relative to the penalty for disturbing the trap for a fur-bearing animal which belongs to another trapper. Interim study. Sen. Wiggins for the committee.

SEN. WIGGINS: This bill would create a penalty for interfering with another trappers traps of a misdemeanor. It would also require the Fish and Game Department to take away all the other licenses he held. They testified against this bill and we saw that the bill had some merit so we thought we ought to study it a little bit more so we put it in interim study. We recommend the Senate confirm our actions.

Adopted.

HB 301, increasing certain fish and game license fees. Ought to pass with amendment. Sen. Wiggins for the committee.

SEN. WIGGINS: This increases all licenses, fishing and hunting licenses, \$3.00 right across the board, non-resident, resident, and everything else. We amended the bill by amending out the increase in cost for minor trapping licenses. We also amended the bill to have it take effect January 1, 1982. There were some other amendments that we had to add to that on 18-19 because it interfered with a corresponding law which previously was passed, HB 80. We clarified those and we recommend passage.

SEN. BLAISDELL: I am going to rise in support of this license increase. I want to get the message out clear to the people of my area and now to the people of Richmond, who I am going to represent I guess if this redistricting bill goes through. The Fish and Game thought I had Richmond over the year but it belonged to Sen. Mann and now it is going to belong to me. I want to be sure that the Fish and Game Department knows I don't want to hear from them on closing fish hatcheries. I think we are giving them the money with the licenses increase and I want to be sure we don't hear that. I intend to be back in the next session and they are going to hear from me if I do hear it.

SEN. MANN: Sen. Wiggins, I was looking on page 19 on the muzzle loaders. This doesn't change the law for age or anything like that, does it?

SEN. WIGGINS: No it does not. It just changes the dates.

SEN. MANN: The dates and the fees, right?

SEN. WIGGINS: Yes, and the fees.

Amendment to HB 301

Amend RSA 214:9, V as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

V. If the applicant is a resident under 16 years of age and wishes to take fur-bearing animals by the use of traps, \$5.50, and the agent shall thereupon issue a resident minor's trapping license, which shall entitle the licensee to take fur-bearing animals by the use of traps and sell and transport them under the restrictions of this title.

Amend RSA 208:5 as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

208:5 Bow and Arrow. Any resident upon the payment of a fee of \$10.50, or any nonresident upon the payment of a fee of \$23.50, shall be issued a special archery license. Said special archery license shall entitle the holder to hunt deer with bow and arrow during the season set by the executive director pursuant to authority contained in RSA 208:2 throughout the state and in Bear Brook Refuge under the following conditions: A person holding such special license shall be entitled to kill one deer under said special license and one deer as a holder of a firearms hunting license. Said special archery license shall also entitle the holder to hunt wildlife with bow and arrow during the open season therefor under the following conditions: If said nonresident not holding a New Hampshire hunting license shall be a person under 16 years of age, he shall not be entitled to hunt under said special archery license except when accompanied by a properly licensed person who is 18 years of age or over, and must further comply with all the provisions of this chapter. No person hunting under the

provisions of this section shall carry any firearms, and no deer shall be taken with firearms under the archery license. The prohibition against carrying firearms shall not apply to persons properly licensed to carry firearms. Any person taking deer under the provisions of this section shall notify a conservation officer within 48 hours of such taking.

Amend RSA 208:5-a as inserted by section 4 of the bill by striking out same and inserting in place thereof the following:

208:5-a Muzzle-Loaders. A person who has complied with the licensing requirements relative to hunting deer pursuant to RSA 214, upon payment of a fee of \$9.50 by residents or a fee of \$21.50 by nonresidents shall be issued a special license. A special muzzle-loading license shall not be required for residents less than 16 years of age, but such person while hunting with a muzzle-loading firearm shall be accompanied by a properly licensed person who is 18 years of age or over and must further comply with all provisions of this chapter. Said special license shall entitle the holder to hunt deer with a single shot muzzle-loading firearm, of not less than .40 caliber during the season set by the executive director pursuant to authority contained in RSA 208:2. No other type of firearm may be used for the taking of deer during this period.

Amend section 11 of the bill by striking out same and inserting in place thereof the following:

11 Effective Date. This act shall take effect January 1, 1982.

Amendment adopted. Ordered to third reading.

HB 614, extending the time limits for action on a motion for a rehearing. Ought to pass with amendment. Sen. Wiggins for the committee.

Sen. Wiggins moved that HB 614 be laid on the table.
Adopted.

HB 240, relative to reclassification of Lake Wentworth in the town of Wolfeboro from class B to class A. Inexpedient to legislate. Sen. Wiggins for the committee.

SEN. WIGGINS: We had a lengthy hearing on this and we investigated some of the other aspects at the hearing. It creates a few problems in managing the lake if we go to class A and we recommend the Senate uphold the findings of the committee as inexpedient to legislate.

Adopted.

HB 96, relative to the form and availability of copies of the checklist. Ought to pass. Sen. Conley for the committee.

SEN. CONLEY: This bill requires supervisors of the checklist to make available for sale to any person so requesting, copies of the checklist in any form maintained by supervisors. The bill also removes the provision from current law that prohibits the inclusion of voting marks on checklist copies and leave the inclusion of party designation to the supervisor's discretion. It was the unanimous vote of the committee that the Senate should vote this in the affirmative.

Adopted. Ordered to third reading.

HB 105, concerning the circle above the party designation on ballots. Ought to pass. Sen. Conley for the committee.

SEN. CONLEY: This clarifies the problem that has presented itself over the years with regard to the straight ticket circles at the top of the ballot. This bill would remove the wording from around the circle and places it below the circle and changes the words from "For a straight ticket" to the words "To vote for all candidates of this party". It was hoped by the Secretary of State's office that this would clear up some of the problems which he says this creates, and actually creates most of the problems during the counting of ballots.

Adopted. Ordered to third reading.

HB 653-FN, relative to nursing home patient accounts. Ought to pass. Sen. Roy for the committee.

SEN. ROY: HB 653-FN merely codifies existing practices in many nursing homes by authorizing the establishment

of patient accounts for the maintenance of any or all personal monies. Those are the dollars that come in every month to the patients for their own personal use from Medicaid, \$25 per patient per month. Further it authorizes the County Attorney to become the voluntary administrator of a deceased county home patient's account if that account is no more than \$2,000. After all the just debts are paid from the residue of the account, if there is any balance left it is then given into the County Treasury.

Adopted. Ordered to third reading.

HB 801, establishing or designating the poison information and control center in the division of public health services. Ought to pass. Sen. Roy for the committee.

SEN. ROY: Essentially HB 801-FN does attract attention to the fact that the Mary Hitchcock Memorial Hospital in Hanover does make available to New Hampshire residents, on a 24-hour a day basis, poison information and treatment consultation. The center has been established there. So the bill will require that the Division of Public Health Services assume the responsibility for designating this service. As such it will then permit the Mary Hitchcock Hospital to receive grants and funds to further continue their service. There will be a hotline, an 800 toll free number that will be available. It has been an extremely worthwhile program. As a matter of fact about \$40,000 has been received just this year by the center in the form of grants for this purpose. In addition there has been a grant by Blue Cross/Blue Shield of \$65,000 to the center because they recognize that the center has saved residents of New Hampshire countless thousands of dollars in medical costs. The committee was unanimous in its report and we hope the Senate will find this bill, ought to pass.

Adopted. Ordered to third reading.

HB 825, relative to the termination of parental rights. Ought to pass with amendment. Sen. Champagne for the committee.

SEN. CHAMPAGNE: This bill would allow foster parents to petition for the termination of parental rights for a child that the foster parents have had in their care for at least a 24 month period. That is all the bill does and we recommend your endorsement of the committee report.

Amendment to HB 825

Amend RSA 170-C:4, II(b) as inserted by section 1 of the bill by striking out subparagraph and inserting in place thereof the following:

(b) The foster parents have requested in writing the licensed child-placing agency to legally free the child for adoption, but that the agency has not initiated proceedings, and there is reasonable cause to believe that grounds exist.

Amendment adopted. Ordered to third reading.

HB 857-FN, excluding gifts made to nonprofit health care providers from rate calculations. Inexpedient to legislate. Sen. Podles for the committee.

Sen. Podles moved that the word "Interim Study" be substituted for the committee report of "inexpedient to legislate."

SEN. PODLES: HB 857-FN the committee members feel that this bill has some merit and we have received additional information and we would like to take a second look at the bill. We recommend interim study.

Adopted.

HB 890, relative to nursing homes. Ought to pass with amendment. Sen. Roy for the committee.

SEN. ROY: The bill creates a new subdivision relative to nursing homes in New Hampshire. It is essentially a bill of rights for nursing homes patients. This bill has been worked on extensively, it was sent to interim study. Our Joint Com-

mittee on the Elderly worked on it in the interim. They have called in nursing home administrators both private and public. We have what is here, I think, essentially a very good bill. It does some very nice things for nursing home patients. It provides some remedies that are not a drastic, if you will, as decertification or delicensure of nursing homes, which are the remedies you would find under federal rules. I think the key is that it is a bill that does not place burdens on nursing homes unless the nursing home does something wrong. It is not a bill that puts a heavy amount of regulations, rather it is a bill that allows remedies to take care of various wrongs that may happen in a nursing home. The committee was unanimous in its approval of the bill and we hope that you will agree with the committee report of ought to pass.

Amendment to HB 890

Amend RSA 151:21, I as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

I. The patient shall be fully informed of a patient's rights and responsibilities and of all procedures governing patient conduct and responsibilities. This information must be provided before or at admission, or for those who are patients on the effective date of this subdivision, immediately upon the adoption of or amendment to a patient rights policy, and receipt of the information must be acknowledged by the patient in writing. When a patient is mentally retarded or incapacitated the signing must be witnessed by a third person.

Amend RSA 151:21, VII(b) as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

Amendment adopted. Ordered to third reading.

HB 924, relative to advertisements for child care services. Ought to pass. Sen. Roy for the committee.

SEN. ROY: HB 924 states that no person who is required to obtain a license or permit for child care, that is having three or more children in their care, under this chapter may

advertise or cause to be published an advertisement soliciting or offering a child for care or placement unless the person has attained the requisite license or permit. The law as it reads now though would punish a newspaper, if you will, for publishing the ad and in other words puts them under violation of a misdemeanor. So this is amending the law to delete the individual or the newspaper from printing the ad. The person who has submitted the ad must be in full compliance for licensure before they may submit the ad but if the newspaper does in fact print an ad when a person is in noncompliance, they will not be judged for a misdemeanor.

Adopted. Ordered to third reading.

HB 948-FN, establishing a security force at Laconia state school and training center and clarifying the training requirement for security officers at New Hampshire hospital. Ought to pass. Sen. Roy for the committee.

SEN. ROY: If the Senate approves this bill the security officers at the Laconia State School will have general police powers but those powers will be limited to the confines of the school grounds except if they have to go off in hot pursuit of a person who has committed a crime on school grounds. All new employees hired as security officers after the effective date of the new program will be required to take a two-week training program through the Police Standards and Training Council. Further the bill will get rid of some ambiguities. Security officers at the New Hampshire Hospital now do have those police powers but it states in different areas that they must have a two-week training course and that they must have a six-week training course. What we are saying is that it will remove that six-week requirement and they will come under the same provision as those security officers at the Laconia State School for a two-week training course at the Police Standards and Training Council. The committee hopes that you will support the report of ought to pass.

Adopted. Ordered to third reading.

ANNOUNCEMENTS

Sen. Lessard spoke under Rule 44.

SEN. LESSARD: I rise under Rule 44 to express my opinion as one member of the State Senate on the 1% payroll tax that was passed by the House of Representatives last week. Much of the quality of life in the State of New Hampshire is because of the quality of industry in this state. Much of the quality of life that we are experiencing in New Hampshire is because of the low unemployment in the State of New Hampshire. When I have an opportunity to vote on the 1% payroll tax within the next two weeks, I intend to vote against this tax. I will do so because there are only so many times that you can go to the well. There are only so many times that you can go to the business well before it will run dry. There are many marginal businesses in the State of New Hampshire that are currently paying property taxes. There are many businesses that are marginal in this state that have payrolls. There are many businesses in the State of New Hampshire that are providing productivity for our state. And those marginal businesses will go under under this tax. There are many labor-intensive businesses whose margin of profit will add to the unemployment rate because of this 1% payroll tax. I have heard from my colleagues, where is the alternative? What do you intend to put in its place? To them I say that there is an alternative but we are not there yet. The budget that is before us is going to be built on \$474 million of federal funds. From the time that the Senate leaves, the House leaves, the Legislature goes home at the end of June, until the federal government passes their budget on October 1st, anything can happen to those funds. The amount of money can be reduced. The amount of money can be raised. We do not have a clear picture. I think that the approach that we are taking is the right one, we must build a budget at this point, but I am afraid that we should, perhaps, consider a continuing resolution from the end of this fiscal year until the government comes in with their budget and we can have a clear understanding of what the financial situation is. At that time I think we take a hard look at all of our revenues, but for me the payroll tax is just one more burden placed on an already overburdened part of our state's economy. We rely heavily on industry to carry the State of New Hamp-

shire on its back. What this 1% does is breaks it. It will be without my vote.

Sen. Brown moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills ordered to third reading be read a third time by this resolution and that all titles be the same as adopted, and that they be passed at the present time; and that when we adjourn, we adjourn until Thursday, May 14, 1981 at 1:00 p.m.

Adopted.

LATE SESSION

Third Reading and Final Passage

HB 606, renaming Round pond Lake Eileen.

HB 94-FN, to exempt energy production projects from the municipal debt limit.

HCR 6, relative to safety, cost reduction, and completion of the Seabrook nuclear power plant to meet the imperative and urgent need to hold down the cost of future electricity.

HCR 7, urging the Congress of the United States to restructure the Nuclear Regulatory Commission according to the recommendations of the Report of the President's Commission on the Accident at Three Mile Island.

HCR 8, urging the Congress of the United States to enact legislation which would allow state rather than federal regulation of utility rates when the sale is intrastate when the generating, transmitting and distributing utilities are located in the state.

HB 301, increasing certain fish and game license fees.

HB 96, relative to the form and availability of copies of the checklist.

HB 105, concerning the circle above the party designation on ballots.

HB 653-FN, relative to nursing home patient accounts.

HB 801, establishing or designating the poison information and control center in the division of public health services.

HB 825, relative to the termination of parental rights.

HB 890, relative to nursing homes.

HB 924, relative to advertisements for child care services.

HB 948-FN, establishing a security force at Laconia state school and training center and clarifying the training requirement for security officers at New Hampshire hospital.

Adopted.

Sen. Wiggins moved the Senate adjourn at 2:45 p.m.

Adopted.

Thursday, May 14, 1981

The Senate met at 1:00 p.m.

A quorum was present.

The prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

We are tired, Lord, from trying to put the pieces into the right places in the puzzle of the budget. Help us as we try to improve upon the needs.

Let us continue on in this vain as we prepare for the large amount of legislation which faces us.

We also pray for a full recovery of Pope John Paul II, who was shot yesterday. Comfort him and guide the hands of those who care for him and restore him to health.

Amen

Senator Podles led the Pledge of Allegiance.

Sen. Boyer is excused by the Chair.

ANNOUNCEMENTS

The Senate convenes today with its best wishes to Pope John Paul II, and pray that the peace maker of the world makes a full recovery.

INTRODUCTION OF SENATE RESOLUTION

First, and Second Reading and Referral

SENATE RESOLUTION NO. 5

urging congress to amend the proposed right to life
amendment to the United States constitution,
Referred to Rules & Resolutions.

COMMITTEE REPORTS

HB 737, authorizing accumulation of the income of institutional funds or the addition of such income to principal. Ought to pass. Sen. Podles for the committee.

SEN. PODLES: HB 737 deals with the income endowment funds of charitable corporations such as Dartmouth College. It would permit them, under a standard of prudent conduct, to accumulate income or add income to principle in order to combat the erosive effect of inflation. There was no opposition to the bill and the committee recommends ought to pass.

Adopted. Ordered to third reading.

HB 95, making certain technical terminology changes in the public utility bond financing act. Ought to pass. Sen. Podles for the committee.

SEN. PODLES: HB 95 is a housekeeping bill. It clarifies the reserve fund procedures under public utility bonding. The bill will make it easier to finance public utilities and will allow them to capitalize interest during the construction period. There was no opposition and the committee recommends passage.

Adopted. Ordered to third reading.

HB 390, relative to notice to lessees of certain safe deposit boxes concerning insurance on the contents of certain safe deposit boxes. Ought to pass. Sen. Stabile for the committee.

SEN. STABILE: This bill was heard before our committee. In essence what it does is it makes sure that when a person takes out an application for a safety deposit box that it is

in bold print on the application that the contents of that safety deposit box are not insured. It also calls for that inside the safety deposit box area there will be a sign that states that the contents of the safety deposit box is not insured. Many people erroneously believe that the contents of the safety deposit box are insured. There was a robbery down in Massachusetts where millions and millions of dollars were stolen out of safety deposit boxes and those people did not have their items in their safety deposit boxes insured.

SEN. CHANDLER: Suppose the contents of the safety deposit box was insured?

SEN. STABILE: By the bank or by the individual?

SEN. CHANDLER: By the bank.

SEN. STABILE: This just states on the application that they have to disclose it if they are not insuring it. If they are insuring it then I would assume that they would not have to do it.

Adopted. Ordered to third reading.

HB 391, relative to investment of funds by cooperative banks, savings and loan association and building and loan associations. Ought to pass. Sen. Podles for the committee.

SEN. PODLES: Under current law cooperative banks are limited to investing their excess funds in New England banks with limitations. This bill removes restrictions on investments in New England banks and expands investment opportunities to banks outside of New England, with restrictions. The Banking Commission supports this bill. There was no opposition. The committee recommends passage.

Adopted. Ordered to third reading.

HB 443, relative to bank directors' stock holdings. Ought to pass. Sen. Stabile for the committee.

SEN. STABILE: The committee met on this particular bill. This bill changes the law with regard to qualifications of directors of trust companies or state banks or trustees of guarantee savings banks. The bill combines some provisions of the current law regarding qualifications for directors

of trust companies with general qualifications for other directors and trustees. It also allows for a trustee to own only \$1,000 worth of par value stock. Prior to this it would take up to in some cases, depending on the size of the bank, as much as \$35,000 to become a trustee or on the board of directors of a bank. This bill would allow a greater cross section of a community to be on the board of directors of a bank. The third area concerns itself that the bill repeals a provision listing the qualifications of directors of trust companies because these qualifications are covered by the new section of the amended bill.

Adopted. Ordered to third reading.

HB 109, amending the mechanics lien law. Inexpedient to legislate. Sen. Freese for the committee.

SEN. FREESE: This HB 109 was introduced by Mr. Roberts and it is an act amending the mechanics lien law. It went through the committee in the House and passed the House without any problems. It got into our committee and Mr. Roberts came in and asked us to make it inexpedient to legislate. Apparently the bill changed a great deal from the inception of the introduction until it passed through the House. There was a lot of discussion, a lot of emotionalism, in the first hearing we had and because of the situation as I have explained it we recessed the hearing one month for the parties to get together. After one month they wrote the committee and asked if they could have another week. We gave them the other week. This past few days we had the recessed hearing and they still hadn't solved their differences. There is a mechanics' lien law on the books and the three parties concerned, particularly the lumberman and the construction section of the interest, testified that they wanted to see the bill killed, inexpedient to legislate. There were some suggestions that it go into interim study but they felt that they had a better chance starting over again without any inhibitions. So we are conforming to the request of most of the people at the hearing and are recommending this bill inexpedient to legislate. I hope you will go along with the committee.

Adopted.

HB 565, relative to rental security deposits. Inexpedient to legislate. Sen. Stabile for the committee.

Sen. Stabile moved to lay HB 565 on the table.
Adopted.

HB 751, relative to audits of financial institutions by the bank commissioner. Ought to pass. Sen. Stabile for the committee.

SEN. STABILE: This bill repeals certain provisions currently in the law which requires trustees or directors of every bank to make or cause to be made a semi-annual examination of the affairs of the bank and an annual examination by a public accountant. This bill was drawn up with the cooperation of Commissioner Roberge and the banks. Both parties were very pleased with the bill. They feel that it will be an asset to both the banking industry and the Commission. They assured us that in no way would it increase the costs to the state or increase the size of the Banking Commission.

Adopted. Ordered to third reading.

HB 900, relative to regulation of small loans. Ought to pass. Sen. Freese for the committee.

SEN. FREESE: HB 900 is relative to regulation of small loans and it is mostly a deregulation bill. It does make some corrections. The bill changes the current law regarding the regulations of small loans and provides that no person may engage in the business of lending in the amounts of \$10,000 or less without receiving a small loan license. Heretofore that was \$5,000. It also provides that any loans over \$1,500 but not exceeding \$10,000 may be negotiated between the people making the loan and the person taking out the loan. The original House bill provided that it raise from 6% per annum to 1½% per month, the amount of interest a licensee may charge on a small loan. That has been amended in the House to 1%. These small loan companies provide a service to the consumers. From 1979 to 1980 these small loan companies lost \$7 million in the State of New Hampshire. In 1980, itself,

they lost \$7,011,911. We think this is a good bill so that the consumer has available money that they can afford to borrow and we recommend passage. There is no one who appeared against the bill. The Bank Commissioner appeared, with others, for the bill. We hope you will go along with the committee report.

Adopted. Ordered to third reading.

HB 932, relative to solar skyspace easements. Majority: Inexpedient to legislate. Minority: Ought to pass. Sen. Blaisdell for the Majority. Sen. Kelly for the Minority.

Sen. Blaisdell moved that HB 932 be laid on the table.
Adopted.

HB 797, relative to the development of comprehensive plans by municipalities with consideration given to the use of solar energy. Interim Study. Sen. Blaisdell for the committee.

Sen. Blaisdell moved that HB 797 be laid on the table.
Adopted.

HB 526-FN, relative to the fee for a nonresident trappers license. Ought to pass with amendment. Sen. Wiggins for the committee.

SEN. WIGGINS: We amended this bill to take in the province in Canada because we have a few trappers who come down and ask for a trapping license from Canada. All this does is make the fees for nonresident trapping licenses the same as in those areas where our residents go and ask for a trapping license from there. We urge passage.

Amendment to HB 526-FN

Amend RSA 214:9, IX as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

IX. If the applicant is a nonresident and wishes to take fur-bearing animals by use of traps, the nonresident shall pay \$300.

If the applicant's state or province does not permit nonresident trappers said applicant shall be denied a nonresident license in this state.

Amend section 2 of the bill by striking out same and inserting place thereof the following:

2 Effective Date. This act shall take effect upon its passage.

Amendment adopted. Ordered to third reading.

HB 257, granting the Lake Sunapee Protective Association the right to maintain 2 lighthouse on Lake Sunapee. Ought to pass. Sen. Wiggins for the committee.

SEN. WIGGINS: There are two lighthouses on Lake Sunapee and nobody wants the ownership of them. No one will do any upkeeping and repairing of them so the Lake Sunapee Protective Association has asked for the rights to maintain these two lighthouses and keep them up and the light going in them. We urge passage.

Adopted. Ordered to third reading.

HB 488, renaming Mirror Lake outlet the Ernest B. Piper brook. Ought to pass. Sen. Wiggins for the committee.

SEN. WIGGINS: We heard testimony on this bill and it was all in favor and none against and we urge passage.

Adopted. Ordered to third reading.

HB 577-FN, limiting the services of the fish and game department to private ponds that do not have unrestricted public access. Inexpedient to legislate. Sen. Wiggins for the committee.

SEN. WIGGINS: This would eliminate the stocking of remote ponds in the North Country. Some of these remote ponds have had a road built to them by a private person or a groups of persons or clubs, and they put a gate on them and they charge a fee to travel these roads. You can walk in and fish these ponds if you are ambitious enough, without

any fee or charges. This was the reason for this bill. Some of the residents of the North Country were pretty disgusted with paying a fee to go fishing where they already have to buy a fishing license. After investigation and testimony we found out that it would be better not to pass this piece of legislation because it would be redundant and it would prevent a lot of good fishing in some of those remote ponds, so we urge that the Senate go along with the report of inexpedient to legislate.

Adopted.

HB 789, relative to the duties of the agricultural lands preservation committee. Ought to pass. Sen. Wiggins for the committee.

SEN. WIGGINS: The amendment in this bill completely deletes this bill and it gives the Agricultural Department and the Commissioner of Agriculture a little more latitude in the preservation of agricultural lands. We urge passage.

SEN. MANN: You said the amendment on the bill?

SEN. WIGGINS: I wish to apologize to the Senate. The amendment was a House amendment. We didn't amend it, we just went along with the bill.

Adopted. Ordered to third reading.

INTRODUCTION OF GUESTS

COMMITTEE REPORTS

HB 550-FN, to establish an inventory program for the identification and preservation of natural areas. Interim Study. Sen. Brown for the committee.

SEN. BROWN: HB 550-FN sets up a routing to identify, preserve and to register and create an inventory of significant natural areas. The significant natural areas are individual plant and animal life of special importance to plant communities; habitats of endangered or threatened species; geological features; ecosystems; and any element of unique ecological or scientific interest. Except for the office of state planning to

do all this work there is no money in the bill to allow them to do it. There is a tremendous amount of work and the committee felt that it takes a lot more planning and a more comprehensive bill in order to create this, therefore we send it to interim study to continue on this study.

Adopted.

HB 193-FN, relative to sunset review of OHRV program (DRED). Ought to pass with amendment. Sen. Wiggins for the committee.

SEN. WIGGINS: The amendment cleans up some of the language that needed to be cleaned up in the bill. It is almost identical and doesn't change anything. It is the same bill that came to us from the House. We urge passage.

Amendment to HB 193-FN

Amend RSA 215-A:1 as inserted by section 3 of the bill by inserting after paragraph XV the following new paragraph:

XV. "Traveled portion" means all areas of a public highway between the plowed snowbanks.

Amend RSA 215-A:5 as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

215-A:5 Limitation on Use of Lake or Pond Used by Ice Fishermen. No person shall operate an OHRV upon any lake or pond being used by ice fishermen closer than 150 feet to any occupied so-called bobhouse, fishing shanty or fishing hole other than the one which he occupies, unless done at a reduced speed equal to a walk. The provisions of this section shall not apply to any person engaged in emergency rescue operations or public service of any description.

Amend RSA 215-A:6, IX as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

IX. (a) If the authorities of a municipality do not maintain any class IV, class V or class VI highway for winter use by conventional motor vehicles, said authorities may authorize the use of such a highway for snow traveling vehicles and the highway shall be closed to conventional motor vehicles, except for emergency purposes, in which case the bureau shall be responsible for properly posting said highway accordingly. The municipal authorities may open any highway so closed at any time by giving notification to the supervisor of the bureau and removing the signs indicating that said highway has been closed to use by conventional motor vehicles.

(b) Pursuant to RSA 215-A:15, towns and cities may authorize the use of sidewalks and plowed class IV, class V or class VI highways and bridges, or portions thereof, for use of snow traveling vehicles. Operators of snow traveling vehicles using said roads or portions thereof, shall keep to the extreme right, yield to all conventional motor vehicle travel and travel at a speed not to exceed 10 miles per hour. The bureau shall so post such highways in accordance with paragraph IX(a), where authorized.

Amend RSA 215-A:14, I as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

I. An OHRV shall be equipped with at least one but not more than 2 headlights, one or more rear taillights, approved by the executive director and all in working order, and shall have adequate brakes in good working order sufficient to control the said vehicle at all times that said vehicle is in use. The brakes must be capable of stopping said vehicle within 40 feet at 20 miles per hour, and/or locking the wheels or track to a standstill.

Amend RSA 215-A:16, II as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

II. The commissioner of the department of resources and economic development shall appoint a chief supervisor of the bureau of off-highway recreational vehicles, who shall have additional duties as state parks and forest security officer

and shall be classified in the state police and fish and game law enforcement series with authority under RSA 594. The commissioner of the department of resources and economic development shall, at his discretion, also appoint bureau of off-highway recreational vehicles area supervisors and foremen, who shall be peace officers for the purposes of RSA 594.

Amend RSA 215-A:18 as inserted in section 3 of the bill by striking out same and inserting in place thereof the following:

215-A:18 OHRV Fines.

I. The court or justice of any court in which a complaint for a violation of any law or any rule adopted pursuant to RSA 541-A, brought by a conservation officer of the New Hampshire fish and game department, is prosecuted shall remit the amount of any fine or forfeiture paid pursuant to such complaint as provided in RSA 206:34.

II. The court or justice of any court in which a complaint for a violation of any law or rule adopted pursuant to RSA 541-A brought by a forest and park patrol officer of the department of resources and economic development is prosecuted shall within 30 days after any fine or forfeiture is paid, remit the amount thereof to the commissioner of the department of resources and economic development; provided, however, that, from each fine collected by a municipal or district court, there shall be deducted \$10 and 20 percent of that part of the fine which exceeds \$10 and the same shall be disposed of as provided in RSA 215-A:23, V(a).

III. All fines and forfeitures recieved by a municipal or district court as a result of a complaint for a violation of any provision of this chapter or any rule adopted pursuant to RSA 541-A under authority granted by this chapter brought by a local police officer shall be disposed of as provided in RSA 502:14 or 502-A:8.

Amend RSA 215-A:19 as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

215-A:19 Penalties and Owner/Operator Responsibilities.

I. Unless otherwise provided, any person who violates this chapter or any rule relating thereto shall be guilty of a violation. In addition thereto, the operator or owner or both of

any OHRV shall be responsible and held accountable to the owner of any lands where trees, shrubs, or other property have been damaged as a result of travel over their premises by such vehicles. The executive director may revoke, after a hearing, the registration of any OHRV registered in the name of any person who violates this chapter or any rule relating thereto.

II. Any person who, while operating or in charge of an OHRV, shall refuse when requested by a police officer or person authorized to make criminal arrests to give his name and address or the name and address of the owner of such OHRV or who shall give a false name or address, or who shall refuse or neglect to stop when signaled to stop by any police officer or any person authorized to make criminal arrests who is in uniform or who displays his badge conspicuously on the outside of his outer coat or garment, or who refuses on demand of such officer or person to produce his license to operate such vehicle or his certificate of registration, or to permit such officer or person to take the license or certificate in hand for the purpose of examination, or who refuses on demand of such officer or person to sign his name in the presence of such officer, or who refuses to surrender to the executive director or his duly authorized representative any license, registration certificate or number decal upon demand after suspension or revocation of the same, shall be guilty of a violation.

III. If any person shall mischievously take, drive, ride, or use any OHRV, without the consent of the owner or person having control thereof, but not with the intent to steal the same, shall be guilty of a misdemeanor.

Amend RSA 215-A:21, V as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

V. All OHRVs, except those registered for highway use, and those registered pursuant to paragraph IV, shall be registered at the same fee and provisions, and shall be furnished a registration decal of a design and color as chosen by the executive director. Said registration decal shall be attached securely on the rear of said vehicle, in an unobstructed manner, as high as possible or at a location designed by the manufacturer.

Amend RSA 215-A:21, VII as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

VII. The registration certificate shall be subject to inspection on demand by any officer authorized to enforce provisions of this chapter. The registration certificate shall be carried while the OHRV is in operation. The said operator, shall when requested, show proof of personal identification.

Amend RSA 215-A:21 as inserted by section 3 of the bill by inserting after paragraph VII the following new paragraph:

VIII. No person shall register an OHRV at the resident fee as defined in RSA 215-A:23 unless such person is a resident as defined in RSA 215-A:1, XII.

Amend RSA 215-A:23, III as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

III. Dealer registration — \$12 for each decal or set of decals; rental decals — \$12 for each decal or set of decals.

Amend RSA 215-A:23, V as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

V. From each registration fee collected pursuant to paragraphs I through IV, distribution shall be as follows:

(a) The first \$2 and 45 percent of the balance shall be appropriated to the department of resources and economic development for administration of the bureau for the following:

- 1 Publications.
- 2 Trails.
- 3 Easements and rights of way.
- 4 OHRV facilities.

5 Grants-in-aid to organized non-profit OHRV clubs and political subdivisions for the construction and maintenance of OHRV trails and facilities. The bureau shall make grants on such terms as it deems necessary and shall determine what trails

and facilities shall be eligible. All trails and facilities developed and maintained under this grant-in-aid program shall be open to the general public.

6 For such other purposes as may be budgeted within the limits of the funds available.

7 Two dollars of the amount collected from each individual registration fee shall be used by the bureau for its grant-in-aid program. These funds shall be kept in a separate account and shall not be used for any other purpose. Any unexpended balance in said account shall not lapse, but shall be carried forward to the next fiscal year.

(b) Fifty-five percent of the balance (after deduction of the \$2.00 authorized in RSA 215-Z:23, V(a)) shall be appropriated to the state fish and game department for the following:

1 Enforcement of the provisions of RSA 215-A.

2 Establishment of training programs in the operation, safety, regulations, equipment maintenance and other related matters pertaining to the OHRV.

3 Such other purposes as may be budgeted within the limitations of the funds available.

4 The executive director shall be responsible for law enforcement under this chapter.

5 The executive director shall provide for OHRV registration.

Amend RSA 215-A:26, I as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

I. Any person who is in the business of selling OHRVs shall register as a dealer with the executive director. The executive director shall assign a distinguishing number to the registrant and issue appropriate registration plates to him. The dealer may use the plates for his pleasure purposes, but shall not rent or otherwise permit these plates to be used except for demonstration purposes in connection with his business. Registration numbers or plates shall be carried while the OHRV is operated.

Amended RSA 215-A:28, I as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

I. All provisions, including the penalties, suspensions and prohibitions of the New Hampshire Financial Responsibility law, and the provisions of statutes relative to the operation of a motor vehicle, shall apply to an OHRV being operated upon a public highway. The operator of an OHRV involved in an accident resulting in death or injury to a person or damage to property in excess of \$100 if the OHRV is uninsured, or damage to property in excess of \$300 if the OHRV is insured, the owner of said OHRV having knowledge of the accident, should the operator of same be incapacitated, shall report said accident immediately to the nearest police officer or nearest police station and shall file a report of the accident with the department of fish and game and the department of safety within 5 days on forms prescribed by the department of fish and game.

Amend RSA 215-A:29 as inserted by section 3 of the bill by inserting after paragraph III the following new paragraphs:

III-a. Notwithstanding the provisions of this section, any operator holding a certificate of competence from an approved OHRV safety training class authorized by the state of New Hampshire under the following provisions may operate an OHRV, except upon or across a public highway.

III-b. Beginning January 1, 1982, a person who is at least 12, but less than 16, years of age, may operate an OHRV if one of the following conditions exists:

(a) The person is under direct supervision of a person who is 18 years of age or older;

(b) The person has in his or her immediate possession an OHRV safety certificate issued pursuant to RSA 215-A:29, III;

(c) The person is on land owned, or under control of, his or her parent or legal guardian;

(d) The person possesses a snowmobile safety certificate issued to the person under the authority of law of another state or of a province of Canada.

III-c. A person who is operating an OHRV pursuant to this section shall present the OHRV safety certificate to any law enforcement officer who is empowered to enforce this section upon demand of said enforcement officer.

III-d. The owner of an OHRV shall not permit the OHRV to be operated contrary to this section.

III-e. when the judge of a juvenile court determines that a person who is less than 16 years of age has violated this section, the judge shall immediately report the determination to the state fish and game department. The executive director of the fish and game department, upon receiving a notice of a determination pursuant to this section, may suspend the person's OHRV safety certificate without a hearing.

III-f. OHRV safety training shall be established within the OHRV budget of the New Hampshire fish and game department as referred to in RSA 215-A:23, V(b) 2.

Amend RSA 215-A:29, IV as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

IV. The parents or guardians or persons assuming responsibility will be responsible for any damage incurred by any person under the age of 18.

Amend RSA 215-A:30 as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

215-A:30 Racing. Any person who wishes to operate or to promote any snow traveling vehicle or OHRV race or contest, shall procure a permit from the executive director. A fee of \$50 shall accompany the application. All participants of the said race will not be required to register in New Hampshire, but shall operate under the provisions of the said permit. He shall not operate away from race course or contest area specified in the permit. Distribution of any fees collected under this section shall be in accordance with the provisions of RSA 215-A:23.

Amendment adopted. Ordered to third reading.

HB 936-FN, establishing a resident super sportsman combination hunting and fishing license for an additional fee. Ought to pass. Sen. Wiggins for the committee.

SEN. WIGGINS: All this bill will do is let you donate \$8 when you buy a combination license if you so desire. You will get a gold colored license. Due to the distressed financial

system of the Fish and Game and the straits they are in we felt this might be an idea where they could get some money in and they would get a 3 to 1 match from the federal government. We urge passage because there are a lot of sportsmen who would be buying these licenses and donating.

Adopted. Ordered to third reading.

HB 88, prohibiting the removal of sand or vegetation from sand dunes in the town of Seabrook. Ought to pass. Sen. Wiggins for the committee.

SEN. WIGGINS: There was some land area in here that residents were not notified about. We sent them a letter, we haven't heard from them. Sen. Preston wanted this done. We held it up before we exected it and accommodated him on this. We urge passage. He is going to speak on this and we urge that we hear from him.

SEN. PRESTON: This is not in my district but I am familiar with the area. I just want to speak to the very principle involved. The reason for holding this bill is that the very people that own the property were not even going to be aware of what it did precluding them from current usage. Though you may be supportive of all conservation measures, I just think in principle that those who are vitally effected and paying taxes on this land, which is some \$186,000 assessment, that they should be aware of it. The committee chairman did make every effort to do so and that was the purpose of holding it up. I just think that we should make this a matter of practice as we pass similar bills.

SEN. MANN: Sen. Wiggins, this is land that is owned privately?

SEN. WIGGINS: Yes it is, Senator. I might add that DRED has some funds in there to buy these areas on the coast. They have already evaluated it and we are in hopes that they will pick it up and negotiate with the owners.

SEN. MANN: Couldn't the town do this rather than the Legislature?

SEN. WIGGINS: The town appropriated \$220,000 for another area there. I have an idea they will appropriate the money for this land next year but they don't want it developed in the meantime.

Adopted. Ordered to third reading.

ENROLLED BILLS REPORT

SB 19, relative to the Spaulding extension.

SB 36, providing for a 3-day hunting season for moose.

HB 40, relative to fish and game matters.

HB 96, relative to the form and availability of copies of checklists.

HB 100, to recodify the motor vehicle laws.

HB 105, concerning the circle above the party designation on ballots.

HB 280, limiting hunting in Meredith Neck to shotguns, muzzle loaders and bow and arrow.

HB 290, relative to supplying of generic drugs by pharmacists.

HB 381, relative to the local option regarding the sale of liquor and beverages.

HB 399, relative to wholesale fair dealing agreements for the distribution of fermented malt beverages.

HB 529, relative to adoption records.

HB 535, permitting bowling centers with 6 or more lanes to receive special liquor licenses.

HB 536, increasing the fees of bail commissioners to \$7 and \$12.

HB 552, to clarify the functions of the medical examiner.

HB 572, relative to county jails and houses of correction.

HB 606, renaming Round pond Lake Eileen.

HB 616, relative to the exercise of limited police powers by certain persons within the division of safety services.

HB 713, redefining special wine licenses to permit the serving of wine without food in containers other than glasses.

HB 714, removing the prohibition on service bars in restaurant dining rooms for purposes of liquor licenses.

HB 717, relative to limitations on the sale of liquor and wine by first-class restaurant licensees.

HB 801, establishing or designating the poison information and control center in the division of public health services.

HB 820, relative to the emergency medical service coordinating board.

HB 924, relative to advertisement for child care services.

Sen. Lamontagne for the committee.

HOUSE ACCEDES TO REQUEST FOR COMMITTEE OF CONFERENCE

SB 16, to continue the existence of the planning and zoning study committee through the next biennium ending June 30, 1983.

The Speaker has appointed Rep.'s Parr, Snell, David Campbell, and Wiviott.

COMMITTEE REPORTS

HB 260-FN, permitting school districts to establish revolving funds for construction projects as part of instruction in the building trades. Ought to pass. Sen. Lessard for the committee.

SEN. LESSARD: Under HB 260-FN which allows for revolving accounts, if they make a small profit on a house that is built by a vocational high school, they can use the funds next year to buy more costly supplies, to buy tools that may be needed, rather than turn it back. It will give them a little cushion for the next year to build the next house. The committee report was unanimous.

SEN. SANBORN: This didn't happen to come out of the Portsmouth vocational high school did it?

SEN. LESSARD: I don't think so, Senator. I'm not sure that it did.

SEN. SANBORN: Well I noticed that it was from Rockingham County and I'm not sure of the districts down there.

SEN. LESSARD: It is sponsored by Rep. Campbell and she is not from Portsmouth. She is from Rockingham County.

Adopted. Ordered to third reading.

HB 383, amending certain laws relative to education. Ought to pass. Sen. Lessard for the committee.

SEN. LESSARD: HB 383 is a housekeeping bill requested by the Department of Education. It attempts to clarify some of the existing regulations. It makes more workable some of the laws that are on the books. It affects 8 different items. Three of them pertain to the dates certain that the State De-

partment would use in determining formula foundation A in determining the state's share of a superintendent's salary. Two items pertain to the powers of the Commissioner. The State Board of Education so granted to waive the 180 day rule, the other to give an exemption to school lunch programs during any particular year. Also a definition for elementary school, as well as if a holiday falls on Sunday that the celebration would be Monday. The committee report was unanimous ought to pass.

Adopted. Ordered to third reading.

HB 297, allowing certain school districts the option of electing the clerk, the moderator, and the treasurer for 3-year terms. Ought to pass. Sen. Kelly for the committee.

SEN. KELLY: This bill had no opposition to it. It is essentially enabling legislation with local school districts to allow them to increase the terms of clerk, moderator, and treasurer from one year to three years. It would be done by ballot at the school district meetings, if it was found not to function as intended it could be voted out, voted to change it back. It was passed unanimously.

SEN. BROWN: On the statutes now a moderator serves two years in all state offices, is that not correct?

SEN. KELLY: No, not in schools.

Adopted. Ordered to third reading.

HB 442-FN, allowing school districts to adopt an article or a line item for unanticipated funding. Ought to pass. Sen. Kelly for the committee.

SEN. KELLY: HB 442-FN allowing school districts to adopt an article or a line item for unanticipated funding, the legislation is identical to that adopted by the Legislature in our last sessions for towns and municipalities, except for the words school districts and school district meetings, which are substituted. The legislation will prevent dislocations of funding. An example was cited which I don't think I have to repeat here. It was unanimously supported in committee and we recommend ought to pass.

Adopted. Ordered to third reading.

HB 243, clarifying the meaning of incompatible offices in RSA 669:7. Inexpedient to legislate. Sen. Conley for the committee.

SEN. CONLEY: This is the famous Hudson bill that we have seen on a number of occasions. I would hope that perhaps we could put this thing finally to rest this afternoon. This bill supposedly clarifies the incompatibility of office statutes by emphasizing the fact that incompatibility refers to actual holding of offices and does not prevent the transfer between offices of information or personnel furnishing clerical assistance. We had testimony at that committee and we have a letter from Commissioner Price with regard to the whole matter. If I may take a minute, perhaps this will kill this thing once and for all. Part of the letter reads: "We believe that the purpose of the current version of RSA 669:7 was to maintain proper segregation of duties and sound internal accounting controls between the functions of local officials. We believe that this is extremely important in today's environment. The passage of this bill would, for example, allow a tax collector to assist the selectmen in preparation of the property taxes warrant, and also be responsible for the collection of said taxes. We believe that this would be a serious weakness in good internal accounting controls and sound business practices and would ultimately defeat the purpose of the original statute. What would prevent a tax collector from reducing the assessments on his or her own property when preparing the tax warrants. Under current statutes both the board of selectmen and the tax collector would have to agree to the reduction of the assessment." This type of separation of duties as well as the offices is essential for good government. The committee voted unanimously that this bill should be inexpedient. We urge the Senate to make it so.

Adopted.

HB 447, repealing RSA 657:11. Ought to pass. Sen. Conley for the committee.

SEN. CONLEY: This bill removes provisions that prohibited a city clerk or town clerk, or village district clerk, or a school district clerk from processing applications for absentee ballots if the clerk's name was on the ballot or if the clerk was working in the campaign of a candidate. This simply allows the clerk to work in the processing of applications of absentee ballots and changes nothing else. We urge it's passage.

Adopted. Ordered to third reading.

HB 620, allowing absentee ballots to be returned by someone other than the absentee voter. Inexpedient to legislate. Sen. Sanborn for the committee.

SEN. SANBORN: I don't know why this bill should be appearing again. It appeared in the past ever since the election laws were completely redone about 4 years ago. What this does is try to involve anybody to go out and pick up absentee ballots. Now the clerks and so forth, have the power now to appoint anyone who is not a candidate or working for a candidate, to appoint someone as deputy clerk to go pick up the ballots, or a police officer to go pick up these ballots. There are plenty of people available to go pick up these ballots. They are supposed to come in in the mail the night before. There is no need for this type of a bill to allow anybody to go pick up absentee ballots. The committee was unanimous in finding it inexpedient to legislate.

Adopted.

HB 840, relative to political activities by classified and unclassified state employees. Inexpedient to legislate. Sen. Stabile for the committee.

SEN. STABILE: This bill would eliminate the prohibition against classified state employees and unclassified from making political contributions. The bill also prohibits any person coercing or soliciting or attempting to coerce or solicit, a classified or unclassified state employee to make a contribution to any political campaign or political committee, or to any political candidate, party, or cause. The committee met and unanimously felt that the inherent conflicts of in-

terest with this particular bill were quite obvious. In all likelihood it would be impossible to properly police the potential for coercion and solicitation of funds from classified and unclassified state employees. This bill also calls for there to be a limit, that a state employee could give no more than \$5,000 per employee to a political campaign. The committee met and felt unanimously that this bill should be recommended inexpedient to legislate.

SEN. RICE: The first question is, did I hear you correctly when you said that this bill would eliminate the prohibition of both classified and unclassified state employees from making a political contribution?

SEN. STABILE: This bill prohibits any person from coercing, soliciting, or attempting to coerce or solicit a classified or unclassified state employee.

SEN. RICE: But did you also say that it would eliminate the prohibition against both unclassified and classified employees from contributing?

SEN. STABILE: No, this bill eliminates against classified state employees.

SEN. RICE: Can you tell me how many people testified on behalf of this bill, either for it or against it at committee?

SEN. STABILE: I don't have the minutes with me right now. It seems to me there were at least 4 or 5 in favor.

SEN. RICE: Did anyone testify as being opposed to it?

SEN. STABILE: There was at least one person who testified against it.

SEN. RICE: Did you not, a couple of weeks back when we heard a bill that would have reduced campaign expenditures to \$1,000, vote against that bill saying that it was a mockery. That if you reduce the amount that can be expended that neighbors, or friends, or relatives, could still contribute and that it would therefore defeat its purpose, for that specific piece of legislation?

SEN. STABILE: That is correct.

SEN. RICE: This is the same thing. If I were a state employee and I were a sole income earner in my family, could not my wife, as a non-state employee contribute to a candidate's campaign?

SEN. STABILE: That is correct.

SEN. RICE: And in all possibility, would that money not come from earnings that I had made as a state employee, if

I were the only wage earner in the family?

SEN. STABILE: That is a safe assumption.

SEN. RICE: Then if you are consistent in your arguments, would you not vote in favor of this bill, as you voted against the last bill?

SEN. STABILE: Sen. Rice, I am only here as a member of the committee, and the committee voted that this piece of legislation was inexpedient to legislate. I am only one member of the committee.

SEN. CONLEY: Sen. Rice, are you a member of the Executive Departments Committee?

SEN. RICE: Yes, and I was not here the day this bill appeared.

SEN. CONLEY: You anticipated my question. Then you were not there for the hearing. Thank you.

Sen. Lessard moved that the words "ought to pass" be substituted for the committee report of "inexpedient to legislate."

SEN. LESSARD: Under HB 840 the legislation merely extends to a specific group of citizens of the State of New Hampshire the same rights of all of the citizens of the State of New Hampshire, to contribute to a candidate of their choice. I think that the point raised by Sen. Rice, that if I were a state employee and wanted to make a contribution now I could do it by way of my children, by way of my wife, by way of my mother-in-law, and the funds would find a way there and it would be perfectly legal. We are just trying to extend those state employees the same rights that other citizens have. A state employee today can campaign. A state employee today can work in a campaign office and lick envelopes and lick stamps. They should be extended this last right. I know that it sounds like a lot of money, \$5,000, but that is what the limitation is for my mother-in-law. That is what the limitation is for my brother. Anyone. So we are merely extending to those state employees the same rights that all of us enjoy.

SEN. CONLEY: Would you believe that the person who was a state employee and contributed \$5,000 to a specific campaign might feel that he could expect some special treatment as a state employee for that \$5,000, should his party or individual be successful?

SEN. LESSARD: My mother-in-law contributed \$5,000 to my campaign and she doesn't feel as though she is going to get any special privileges and I don't see where a state employee would either. Or a member of an association could contribute that much and wouldn't feel that they could derive from me any favors.

SEN. CONLEY: My question had to do with a state employee, not with your mother-in-law. You don't feel that this might just jeopardize the credibility of his situation?

SEN. LESSARD: That record is public. If a state employee contributes to a member of this Senate, to the Governor, or anyone else, a contribution of \$5,000 would be made in public. It wouldn't be washed through a relative, it wouldn't be washed through a friend. I think it would be above board and on the surface and available to anyone who wants to walk in the Secretary of State's office to see that. If it impunes the reputation of an office holder, I'm sorry, so be it.

SEN. SPLAINE: I don't think that we pay our state employees enough money so that they would be able to contribute \$5,000, but I introduced legislation that this Senate, about three weeks ago, defeated, that would have limited \$5,000 contributions from anyone and everyone, and set a limit of \$1,000, but for one reason or another that legislation was defeated supposedly on the judgment that if somebody wants to contribute they are going to be able to contribute. A political action committee or somebody else is going to be able to contribute. I think that the same argument can be used for this in justifying, as I do, the passage of HB 840, because as it is now we have created an unfortunate double standard, double citizenship in this state. If you happen to be a state employee at the time you cannot contribute any money to the candidate of your choice, but if you don't happen to be a state employee at the time you can contribute up to \$5,000. To me it is a double standard, it is a double citizenship. It is something that we simply should not have in state government under state law. I can see no difficulty in passing this kind of legislation. I would think, however, that the Executive Departments and Administration Committee should reconsider the concept of reducing the total amount of money that a person, a person, not a state employee or anyone else, but a person, anyone, should be able to contribute to a candidate down to a limit of \$1,000,

as it is on the national level for congressional, presidential, and senatorial elections. But not passing HB 840, and yet having on our books this double standard, double citizenship, is in my mind saying to our state employees once again, you are out there and we are here and we are going to stay here and you are going to be there.

SEN. SANBORN: Are you familiar with the federal Hatch Act?

SEN. SPLAINE: Yes.

SEN. SANBORN: Then at what degree do you place federal employees if state employees are second-class and we are supposedly first class, I'm wondering what federals are? All they can do is attend the meetings.

SEN. SPLAINE: We have a state law that we are discussing concerning a state issue. I am also opposed to the Hatch Act, but we don't happen to be in the United States Congress, looking around the table, thank goodness. And I certainly think that since we are dealing with HB 840, let's deal with HB 840. I'm opposed to the Hatch Act for the same reasons, it sets up a double standard of citizenship. There is a bottom line to this and Sen. Lessard pointed it out very well, any one who wants to participate in politics whether it by licking envelopes or putting stamps on, or buying those stamps and giving them to a candidate can do it. It depends exactly how honest you are and I'm sure that you can relate to that.

SEN. SANBORN: I realize that this is not the United States Congress and there are only twenty-four of us sitting around here and we are talking about state employees, however, after reviewing a section of the Manchester Union Leader a few weeks back that gave a continued long list of federal employees, many of whom are in your and my district, I'm wondering what classification those federal employees are under if state employees are second class and we are first class.

SEN. SPLAINE: I wonder too, and I would urge you to recommend to your Congressman as I have to mine that we abolish the Hatch Act, which this is for the state. This is the state's Hatch Act.

SEN. SANBORN: I think that you do realize that, I hope that you realize, that I worked for the federal government for 32 years, was under the Hatch Act, and I didn't miss that opportunity to contribute to every candidate that came down the road one bit. Do you realize that?

SEN. SPLAINE: I'm sure.

SEN. STABILE: I take a lot of the things that Sen. Lessard mentions as very valid points. These points were brought up during the hearing and they are some very good points, and it possibly could be looked at as an inequitable position. One of my major concerns was that a classified state employee at a lower level could be coerced to make contributions, whether they be like kind contributions, or whether they be cash contributions, because their particular boss was supporting a political candidate who owed his job to that particular candidate. That was my concern, that the worker, the secretary, the person working in the field crew, the average worker working for the state, would be put under undue pressure, who wouldn't dare report this undue pressure because of the fact that he or she might be jeopardizing his job. That is my problem. I feel a state employee should be allowed to contribute just like anybody else, but they should not have to and the way this particular piece of legislation is set up they could be coerced or solicited to give, not only money but also free services such as telephoning, letter writing or what have you.

SEN. RICE: Can't state employees currently write letters or stamp envelopes, or do a number of other activities other than contribute money on behalf of a candidate?

SEN. STABILE: Yes, my point is, what happens to them if they don't do this? And this is exactly my problem. If they don't contribute, if they don't pay this, if they don't spend the time writing letters, if they don't spend the time making telephone calls, what is going to happen?

SEN. RICE: Doesn't this bill make an attempt to prohibit coercion on behalf of the state employees?

SEN. STABILE: Yes it does. And the committee felt that it was a real problem with policing that particular area of the bill.

SEN. RICE: I will grant you that there may be some difficulty in policing. My question, Sen. Stabile, when you ran for the State Senate, do you think that any of your employees were coerced into contributing to your campaign?

SEN. STABILE: No, I don't believe that any of my employees were coerced to contribute at all. And I am very proud of my employees that went to work for me and went out and went to bat for me, and who went out and canvassed the

neighborhoods for me, who went out and made telephone calls for me, because they believed in what I was doing and I'm very proud of the fact that my employees did do that and I can assure you they weren't coerced.

SEN. RICE: I was not trying, Sen. Stabile, to indicate or to allude to the fact that your employees were coerced, as a matter of fact it was just a contrary. If you can run a campaign and if your employees are committed to you and want to volunteer to participate in that campaign, then I don't think that your campaign is probably any exception to a good number of other campaigns held by every member of this Senate, half the members or more of the House, or any other office in this state. Yet you can say that your employees or other employees, or city employees can participate but the state employees should not be able to participate?

SEN. STABILE: Is that a question, Sen. Rice.

SEN. RICE: That is a question or a statement or whatever.

Sen. Lamontagne moved the previous question.
Adopted.

Sen. Rice requested a roll call.
Seconded by Sen. Splaine.

The following Senators voted yes: Blaisdell, Mann, Kelly, Rice, Champagne, Lessard, Preston, and Splaine.

The following Senators voted no: Lamontagne, Conley, Freese, Hough, Bergeron, Chandler, Wiggins, Monier, Stabile, Podles, Sanborn, Stephen, Brown, and Roy.

8 yeas 14 nays

Motion failed.

Adopted.

HB 771-FN, changing the procedure for removal of names from the checklist and adding an exception to checklist verification every ten years. Ought to pass with amendment. Sen. Conley for the committee.

SEN. CONLEY: In the amending of this bill we put it back to its original form that the House had it. The amendment had to do with postponing the action of redistricting the cities of the State of New Hampshire until 1983. The committee was unanimous in striking out that particular section and going along with the amendment that was made to the original bill which simply struck out in the removing the names from the checklist the words "registered mail" and inserted "by mail", in that process. The committee was unanimous and recommends passage as amended.

Amendment to HB 771-FN

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to the procedure for removal
of names from the checklist.

Amend the bill by striking out section 2 and renumbering section 3 to read as 2.

Amendment adopted. Ordered to third reading.

HB 895-FN, relative to requiring the contents of ballot packages to be inspected prior to election day and eliminating the rotation of names on ballots. Ought to pass with amendment. Sen. Conley for the committee.

SEN. CONLEY: The amendment strikes out the last part of this bill which would do away with the current rotation process as established by the statutes. It was felt that this was not an appropriate situation to have names which have been previously set up by statute to be rotated in a different towns and cities in the state, and to substitute the program of a lottery of a drawing of names for position on the ballot. We felt that the current law is working very fine and even though we were told that it would save some money in the printing we believe that this is a necessary process and we should continue it. Other than that we approve of allowing

the town clerks in the presence of at least another legal voter to open the ballot packages delivered to them ahead of time in order to prevent any ballots being sent to the wrong community. They would be sealed in a fashion provided for by the statute and ready for use on the election day. We urge the passage as amended.

Amendment to HB 895-FN

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

requiring the contents of ballot packages
to be inspected prior to election day.

Amend the bill by striking out sections 4, 5, 6, 7 and 8 and renumbering section 9 to read as 4.

Amendment adopted. Ordered to third reading.

HB 416, removing the requirement for a statewide library borrower's card. Ought to pass. Sen. Wiggins for the committee.

SEN. WIGGINS: This requirement for a statewide library borrower's card, they used to have to pay a fee and it discourages the service of inner-cooperation between libraries. We heard the testimony on this and this bill removes that fee and it will encourage more cooperation between the libraries and we urge passage.

Adopted. Ordered to third reading.

HB 619-FN, relative to the taxing of certain vehicles as personal property. Ought to pass. Sen. Wiggins for the committee.

SEN. WIGGINS: This would stop the taxing of golf carts and loaders as personal property because we had testimony that there were a lot of golf courses that have golf carts that aren't taxed, and if a person has a golf cart it is a very minor thing now and we recommend that we lift the taxes on all

golf carts and loaders. All the testimony was for this bill and none against it. We recommend passage.

Adopted. Ordered to third reading.

HB 106-FN, concerning taxation by the town of Chesterfield of property within the Spofford fire precinct. Ought to pass. Sen. Wiggins for the committee.

SEN. WIGGINS: Before we pass this bill it is double taxation for some people in the Spofford fire district because the town of Chesterfield taxes all property for the maintenance of two fire companies and also they tax them for property in the Spofford fire district which has another tax. We recommend passage of this bill. There would be only one fire tax if this bill passes and that would take care of all three fire districts.

Adopted. Ordered to third reading.

HB 208-FN, relative to sunset review of the state prison. Ought to pass with amendment. Sen. Podles for the committee.

SEN. PODLES: No one appeared at the hearing either in favor or in opposition of this bill and it was the decision of the Senators present at the hearing to pass HB 208-FN in its original form with an amendment. The amendment reads no articles or supplies except printing, shall be purchased from any other source. The committee recommends ought to pass with amendment.

Amendment to HB 208-FN

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Purchases of Prison Products; Authorization by Comptroller. Amend RSA 622:28 (supp) as amended by striking out said section and inserting in place thereof the following:

622:28 Purchases of Products by State Institutions. Except for printed matter, no articles or supplies of the kind manu-

factured at the state prison by the labor of inmates shall be purchased from any other source for the state, its departments or institutions unless the superintendent of industries shall first certify that the state prison cannot furnish them as specified. The comptroller shall refuse to authorize all purchases from any other source of goods or services which are available from prison industries.

4 Effective Date. This act shall take effect upon its passage.

Amendment adopted. Ordered to third reading.

HB 283, relative to the support and custody of children. Ought to pass with amendment. Sen. Stabile for the committee.

SEN. STABILE: This bill authorizes the awarding of joint custody and establishes a preferred form of custody in child custody cases. The best interest of the child would still be the determining factor in the child custody case. The bill includes a provision requiring a court to find that an award of custody to a parent would be detrimental to a child before a court may award to a person other than a parent. A provision in the present law which authorizes the court to award reasonable visitation to the grandparents of the child has been included in this bill also. The bill establishes a presumption effecting the burden of proof that the joint custody is in the best interest of the child. It also requires a court which declines to enter into an order awarding joint custody to state in its decision the reasons for denying joint custody. The bill also allows the court to order a custody investigation or report to be completed prior to the custody hearing. A noncustodial parent, under the provisions of this bill, may not be denied access to records and information pertaining to a minor child. There were amendments offered to this bill which were nothing more than clarifications of some of the verbage in HB 283. There was considerable discussion on this bill. It went on for quite a length of time and it was all favorable. There was no negative testimony given whatsoever. The committee voted unanimously to recommend ought to pass.

Amendment to HB 283

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Support and Custody. Amend RSA 458:17 (supp) as amended by striking out said section and inserting in place thereof the following:

458:17 Support and Custody of Children.

I. In all cases where there shall be a decree of divorce or nullity, the court shall make such further decree in relation to the support, education and custody of the children as shall be most conducive to their benefit, and may order a reasonable provision for their support and education.

II. In the making of any order relative to such custody there shall be a presumption, affecting the burden of proof, that joint legal custody is in the best interests of a minor child:

(a) Where the parents have agreed to an award of joint legal custody or so agree in open court at a hearing for the purpose of determining the custody of the minor child or children of the marriage. If the court declines to enter an order awarding joint legal custody, the court shall state in its decision the reasons for denial of an award of joint legal custody;

(b) Upon the application of either parent for joint legal custody, in which case it may be awarded in the discretion of the court. For the purpose of assisting the court in making a determination whether an award of joint legal custody is appropriate under this section, the court may appoint a guardian ad litem to represent the interests of the children according to the provisions of RSA 458:17-a. If the court declines to enter an order awarding joint legal custody, the court shall state in its decision the reasons for denial of an award of joint legal custody.

III. For the purposes of RSA 458:17, II "joint legal custody" shall include all parental rights with the exception of physical custody which shall be awarded as the court deems most conducive to the benefit of the children.

IV. In those cases where joint legal custody is awarded to the parents and physical custody of the child or children is awarded to one of the parents, the other parent shall be

awarded physical custodial rights during all periods of the time heretofore referred to as visitation.

V. Nothing in this section shall be construed to alter the standard for modification of custody decrees affecting physical custody of the child or children.

VI. In making any order relative to such custody, the court shall not give any preference to either parent of the children because of the parent's sex. The court may take into consideration any preference shown by said children. If the court determines that it is in the best interest and welfare of the children, it shall in its decree grant reasonable visitation privileges to the grandparents of the children.

Amendment adopted. Ordered to third reading.

HB 611-FN, creating an exemption from licensure requirements involving allowable numbers of residents in certain health facilities and changing the title of RSA 151. Ought to pass. Sen. Podles for the committee.

SEN. PODLES: HB 611-FN exempts a health facility under construction or substantial renovations to limit the allowable number of residents to be housed within such a facility. They will have to meet all the code requirements of the law. There was no opposition to the bill. The committee recommends ought to pass.

Adopted. Ordered to third reading.

HB 769-FN, relative to medicaid and food stamp fraud. Ought to pass. Sen. Roy for the committee.

SEN. ROY: HB 769-FN makes some changes in the current law relative to fraud by expanding legal definitions. It creates statutorially a unit to investigate fraud and gives it the legal authority to pursue cases. As well it places emphasis on reviewing cases and situations involving providers of services. It gives the Division additional administrative authority to suspend or terminate a provider of the Medicaid program. It changes the food stamp statute allowing the division to suspend someone from the food stamp program for up

to six months if the person is convicted of fraud, including illegal possession and sale of food stamps. Lastly, it allows the court to suspend someone from the food stamp program for more than six months after a conviction of fraud. The hearing was positive. There was no one opposed to the bill. The committee was unanimous in its report of ought to pass and we hope you will concur.

SEN. LAMONTAGNE: I rise in support of the committee's recommendation. I would just like to make just a small comment that it is too bad that some of these food stamps, if they would only use the individual's social security number so that the merchants when you go and get the necessary groceries, that you would produce your social security card, I tell you there wouldn't be any more problems. Then if someone did take someone else's food stamps, as they have been doing, and where it is costing the Welfare Department a lot because they have been sending the stamps that have been stolen under registered mail. Today registered mail is very, very expensive. But if they would use a social security number I'll guarantee you that there wouldn't be any more problems.

Adopted. Ordered to third reading.

HB 775-FN, relative to suspending an individual from receiving old age assistance or aid the permanently and totally disabled if property is transferred to avoid recovery. Ought to pass. Sen. Roy for the committee.

SEN. ROY: HB 775-FN would eliminate any existing loophole in welfare regulations. Currently an applicant for adult supplement programs or aid to the permanently and totally disabled can sell or otherwise dispose of his home for less than adequate consideration for the purpose of avoiding potential recovery procedures by the Division of Welfare. Since a home is not considered an asset at the time they are given this support and since the present law specifically addresses transferring assets for the purpose of rendering a person eligible for assistance, then the Division has no authority today to even explore the propriety of the transaction. The fiscal impact of this legislation would be minimal, in other words, dollars returned to the state because of the limited poten-

tial number of occurrences. The committee felt that it should give the Division of Welfare the right to review questionable situations just to determine if they are rendering assistance properly. We urge your support of the committee report of ought to pass.

Adopted. Ordered to third reading.

HB 826-FN, relative to the recovery of financial assistance, old age assistance and aid to the permanently and totally disabled. Ought to pass. Sen. Podles for the committee.

SEN. PODLES: Under HB 826-FN the state can recover money paid out for financial assistance when recipients suddenly receive monies from inheritance or winnings such as sweepstakes or other sources. The current law does not provide for this. We had no opposition to the bill. The committee recommends ought to pass.

Adopted. Ordered to third reading.

HB 839-FN, making changes in the certificate of need law. Ought to pass. Sen. Roy for the committee.

SEN. ROY: You may recall that two years ago this Legislature in its wisdom did pass the certificate of need law. After working with that particular statute it was found there was need for a few minor revisions. We do concur with the House bill and would not amend it in one way at all. We ask that you support the committee report of ought to pass.

Adopted. Ordered to third reading.

HB 842, maintaining the confidentiality of hospital committee records required to monitor and improve the quality of patient care. Inexpedient to legislate. Sen. Roy for the committee.

Sen. Roy moved that HB 842 be laid on the table.
Adopted.

HB 856-FN, establishing the women, infants, and children (WIC) program. Ought to pass. Sen. Roy for the committee.

SEN. ROY: Since 1975 the supplemental food program for women, infants and children, commonly known as the WIC program has offered services to citizens of this state who are at nutritional risks because of medical conditions or inadequate diets. Those services have been provided at no cost to the state and under this legislation will continue to be provided as long as federal funds are forthcoming. Further, there has never been, nor is there now, any requirement that the state, by allowing programs to operate, will they commit itself to continuing the program if and when federal funds are reduced or eliminated. There are in short no strings attached to this program that would have the state fill a void caused by the reduction of federal monies. If the funds stop coming from Washington the WIC program, under this legislation, ceases to exist unless it is the will of some future legislation that the program be reinstated. Also it gives the department the potential of investigating any possible fraud in servicing the WIC program.

Adopted. Ordered to third reading.

HB 859, relative to standards and requirements for emergency medical services. Ought to pass. Sen. Roy for the committee.

SEN. ROY: Currently the minimum level of training for licensed ambulance attendants has never before included extrication, removing an injured from an auto to what have you, oxygen administration and suction techniques, patient evaluation and the very necessary taking of vital signs. So that these bills in addition to the Red Cross First Aid and Emergency Care Course will enable ambulance attendants to make full utilization of the equipment available to them on the ambulance and will actually improve the level of pre-hospital patient care. They are going to be working together to establish some rules and guidelines in developing this program to improve the level of pre-hospital patient care in ambulances.

Adopted. Ordered to third reading.

HB 860, relative to the annual inspection of health facilities. Ought to pass. Sen. Roy for the committee.

SEN. ROY: HB 860 is really a very simply bill. What it does do is provide that instead of the annual joint accreditation inspection as well as the annual inspection of the health facilities Department of Public Health, that they may combine that into one visit to the hospitals in the acute care facilities. The committee was unanimous in its support of the bill and hopes that you will concur with the committee report.

Adopted. Ordered to third reading.

HB 622-FN, relative to the fee schedule for water analyses. Ought to pass. Sen. Lamontagne for the committee.

SEN. LAMONTAGNE: What this bill does is it revises the charges that have been made by the Water Supply and Pollution Department. Two years ago they set a fee of \$10 and in the last two years there have been a lot of people who have been having work done and some of them just had a small job done by them and they were charged a fee of \$10. There are other people who came in and had more work done but no additional charge was made. This bill will change the charges so if you look at the front of the bill you will see the different changes which have been made on these charges. This bill also takes \$1 from these charges and sets up a special fund to buy new equipment.

Adopted. Referred to Finance.

HB 716-FN, to raise the penalty fee for violations of the limited credit laws in the sale of alcoholic beverages. Ought to pass. Sen. Lamontagne for the committee.

SEN. LAMONTAGNE: This bill revises an old law which charges \$10 for anyone who violates the law of delivering beer to a store that has not paid its bill. You have 10 days to pay a credit bill and if your bill is not paid, and then the wholesaler delivers beer to the retailer, the fine was \$10 which was very easy for many of them to pay because it was cheaper to pay the fine than to go and pick up the beer. Now the fee of \$10 is being changed to \$100.

Adopted. Ordered to third reading.

Sen. Bergeron in the Chair.

HB 506-FN, relative to the boat tax. Ought to pass. Sen. Blaisdell for the committee.

SEN. BLAISDELL: I'm sure most of you Senators have heard about the boat tax. It has been quite a problem in the State of New Hampshire. The New Hampshire Tax Collectors Association along with the Department of Safety, and Revenue and the marine dealers have all got together. This bill changes the remittance procedure. All remittances of all these monies are now collected by the agents which will be directly deposited with the treasurer of the towns and cities rather than having to go through the regular procedure which we believe was cumbersome, having you deposit it with the local town and city tax collector and then he had to change it and put it through his books and send it to the town treasurer. All this does is change the remittance procedure. It is a lot easier. I think it will help the boat tax laws and the committee wants you to agree with us.

Adopted. Ordered to third reading.

Sen. Monier spoke under Rule 44.

SEN. MONIER: This is not a comfortable position to be in but I think it is only fair to the rest of the Senate that two instances should be reported to them that I want each and every one of you to listen carefully to. This morning I was quite disappointed to find that while Senators were running all over the place attempting to do their duties and carry out their responsibilities with the load of bills that we have facing us from the House, some of which have been in the House for many weeks and were suddenly or uncereemoniously put with the rest of them as we got them at the last minutes, that a member of our staff, a young lady, appeared before a committee this morning attempting to provide to that committee some information with respect to a Senator's support of a particular bill, in which the committee chairman of the House made derogatory remarks which embarrassed the young lady with respect to both the Senator, the statement that was made, etc. I know that we are in a

particular period of time where the House is not as busy as the Senate is, particularly with so many people on their committees and time on their hands, and that we are very busy with many of them. Yesterday and today, in visiting our Senate committee hearings I found in many cases two Senators attending because they were running from here to there. I know that myself, and speaking only for myself, within the last four days I have had about 13 to 15 bills that have been scheduled in the Senate in the first week of their handling of our bills. They ought to recognize, particularly the Chairman of the House and the leadership of the House, that the Senate is always in this position every time that we reach this particular period of what I call crossover. I want it flatly understood that I will not tolerate that kind of treatment by any committee chairman to any member of the Senate staff or any Senator by the House. I have informed the Speaker of the House of my viewings about this and I will be meeting with him after this session. I have never found such nonsense necessary by House members, individually or as a committee, in order to have a fair shake. I know for a fact that this Senate has gone out of its way to stay out of House business while they were dealing with the sunset bills because that is the way the law was passed. I know that the Appropriations and the Ways and Means chairman, and myself, and others, have gone out of our way to allow them to have their deliberations. I do not intend to stand idly by and watch individuals in the House as committee chairmen, or members of the House, try and initiate this old business, and I've been here long enough to watch it, of you kill my bill and I will kill your bill. Those kind of things, once again, are being rumored and being circulated, unfortunately, and I would just like to serve notice on the Senate so that the House leadership can have the same opportunity to do it to its members, that I will not, and do not expect anyone in our Senate to carry out those kinds of tactics. I would hope that the House would retain the same courtesy.

Sen. Lamontagne spoke under Rule 44.

SEN. LAMONTAGNE: I would like to add to what has been said by the President of this Senate. I feel that it was my fault and I made the mistake that when I had House mem-

bers come in and asked me to introduce bills for them, and I did. I had some of my bills that had been in the Legislative Services ever since the first week of March and therefore these bills, after the date of the House, had expired and then they came over asking for help. I really turned out to try and help them as much as I could and to introduce those additional bills. But now my bills got delayed and those bills have been talked about by the President at this time, I happened to have been sponsor and co-sponsor of some of those bills. It was impossible for me to be there because I had eleven bills all scheduled for 10:00. How can you be at those hearings at 10:00 when you have eleven of them. At the same time I neglected my duties as being a member of the Transportation Committee and couldn't be there. This has been going on now for a whole week. There were important bills in the Ways and Means Committee and there was no way I could be there because of all the bills that I was sponsor of. I had some of these bills that were very important, not only to myself but to the people I represent. Yesterday I had fourteen bills and out of the fourteen bills, honest and truly, I had nine of them at 10:00 and the rest of them were at 11:00. I only could make eight yesterday and today I only made six out of eleven. So this is what has been happening. I think that something ought to be done. I feel sorry, and something should have been done, and there is no excuse on my part because I am the Chairman of the Rules Committee. There should have been a rule saying that the House members, after their time expires, should go to the House Rules Committee on any additional bills introduced. That is what we should have done. But we gave the House the courtesy of attending more bills and some of these bills, as much as I'm ashamed to say, only had a few words that had been changed. And the same bill that came out of the House, we did it over again in the Senate. This is a waste of taxpayers money and it is a lot of waste of time of the Senate. I think that in the next session it ought to be corrected under the Rules.

Sen. Wiggins spoke under Rule 44.

SEN. WIGGINS: I would say that our system needs some work done on it, both in the House and in the Senate, so that we could clarify and set dates where we can attend these

meetings and hearings on our bills. I was very fortunate yesterday, one of the committees sent the clerk over to rescue me out of committee hearings to testify on a couple of my bills. I want to commend the House members from those committees for that. Being a House member I know it gets pretty wild. I was a former House member. This is my first term in the Senate and I find this real hectic. But I do think that the leadership should get together and talk to the committee chairmen in the House, the committee chairmen in the Senate, to find some way that we can streamline this and get better organized than we are now.

SEN. MONIER: I would like the Senate to understand that two years ago we revamped the Joint Rules. We had very little problem with this at all. It is not a matter of adherence to the Rules from the Chair's point of view. It is a matter of the persons involved extending the proper courtesy to a legislator regardless of which section he is in. I make that very clear. I know of no instance where the Senate has attempted to coerce or use bills as leverage in a committee, or from a committee chairmen. If I ever do, that person will be removed from the committee. That ought to be strong enough for a legislative statement.

HOUSE MESSAGES

COMMITTEE OF CONFERENCE REPORT ON HB 170-FN

The committee of conference to which was referred House Bill 170-FN, An Act creating the health and welfare oversight committee, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as passed by the House, and pass the bill as so amended:

Amend the bill by striking out all the enacting clause and inserting in place thereof the following:

1 Oversight Committee Established. Amend RSA 126-A:8 as inserted by 1961, 222:1 as amended by striking out said section and inserting in place thereof the following:

126-A:8 Oversight Committee; Establishment.

I. There shall be an oversight committee on health and welfare consisting of 10 members as follows:

(a) 5 members of the Senate appointed by the President of the Senate;

(b) 5 members of the House appointed by the Speaker of the House from the health and welfare committee.

II. Membership on the oversight committee shall be for the biennium and shall be coterminous with membership in the general court.

2 Organization and Compensation. Amend RSA 162-A:8-a as inserted by 1965, 352:4 by striking out said section and inserting in place thereof the following:

126-A:8-a Organization and Compensation. The oversight committee shall have a chairman who shall be chosen by vote from among the committee membership. His term of office shall be for the biennium. The committee shall have a clerk who shall be chosen by vote by the members of the committee. His term of office shall be for the biennium. The committee shall meet not less frequently than quarterly and at such other times as it may be convened by the call of the chairman. On the petition of any 3 members or at the request of the commissioner, it shall be the duty of the chairman to convene the committee forthwith. The members of the committee shall receive legislative mileage, when in performance of their duties.

3 Duties. Amend RSA 126-A:9 as inserted by 1961, 222:1 as amended by striking out said section and inserting in place thereof the following:

126-A:9 Oversight Committee; Duties. The committee shall:

I. Review federal financial participation, as adopted by the Congress of the United States, and the level of state funding, as adopted in the budget, to determine the impact on the programs and services of the department of health and welfare.

II. Review the administrative process under which federal financial participation and state funding is being managed within the department of health and welfare.

III. Review applicable federal law, federal regulations, state statutes and state rules under which the department of health

and welfare is authorized to provide services and recommend changes in state statutes and rules as may be necessary in order to comply with any changes in the federal law and federal regulations.

IV. Review state statutes relating to rules of the department of health and welfare relative to resocialization of the mentally ill and developmentally impaired with particular emphasis upon the care of individuals who live in the community and recommend changes in state statutes and rules as deemed advisable by the committee.

V. Submit a report in each October preceding the regular biennial legislative session to the president of the senate and the speaker of the house. The report shall describe the activities and recommendations of the committee and shall be a public document.

4 Transfer. All the records and property of the advisory commission on health and welfare are hereby transferred to the commissioner of the department of health and welfare.

5 Appeal Process Changed. Amend RSA 151:8 as amended by striking out said section and inserting in place thereof the following:

151:8 Rehearings and Appeals.

I. Should the division determine to deny, suspend, or revoke a license, it shall send to the applicant or licensee, by registered mail, a notice setting forth the particular reasons for the determination. The denial, suspension, or revocation shall become final 30 days after the mailing of the notice, unless the applicant or licensee requests a rehearing under paragraph II of this section.

II. Any applicant or licensee aggrieved by a decision of the division to deny, suspend or revoke a license may appeal to the commissioner of the department of health and welfare. The commissioner may affirm, deny or modify the decision of the division. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to procedures for the appeal process provided under this paragraph.

III. Rehearings and appeals from a decision of the commissioner shall be in accordance with RSA 541.

6 Eliminate Reference to Advisory Commission. Amend RSA 126-A:6 as inserted by 1961, 222:1 as amended by striking out said section and inserting in place thereof the following:

126-A:6 Directors of Divisions. There shall be a director of the division of public health services who shall be a physician licensed or eligible for licensure in New Hampshire and who shall have a masters degree in public health, or its equivalent, from an accredited school of public health; a director of the division of welfare who shall be duly qualified through training at an accredited school of social services with emphasis in public welfare administration and at least 3 years experience in the field of public welfare; and a director of the division of mental health and developmental services who shall be a physician-psychiatrist licensed or eligible for licensure as an M.D. in New Hampshire and certified or eligible for certification by the American Board of Neurology and Psychiatry. Each director shall be responsible for the administrative and executive direction of his respective division, subject to the approval of the commissioner. Each shall be appointed by the governor and council from 2 or more nominees or, if agreeable to the governor, a lesser number of candidates nominated by the commissioner of health and welfare. Each shall hold office for a term of 4 years from the date of his appointment and until his successor is appointed and qualified. Each may, in his discretion, establish advisory committees to assist him in developing divisional programs and policies. The provisions of RSA 21:33-a shall not apply to appointments made under this section.

7 Eliminate Reference to Advisory Commission. Amend RSA 141-A:2, I(c) (supp) as inserted by 1979, 339:1 by striking out said subparagraph and inserting in place thereof the following:

(c) A disease, condition, or procedure relating to public health which is determined by the director to be of particular concern or importance as a critical health problem in this state, being in need of greater research, study and statistical analysis.

8 Eliminate Reference to Advisory Commission. Amend RSA 151:9, I (supp) as amended by striking out said paragraph and inserting in place thereof the following:

I. The director of the division of public health services, department of health and welfare, may adopt rules, pursuant to RSA 541-A, relative to:

- (a) Standards for licensing facilities under this chapter;
- (b) Exemptions from licensing requirements;

- (c) License application requirements;
- (d) License expiration dates;
- (e) Inspections;
- (f) Procedures for denying, suspending and revoking licenses; and
- (g) Fees for witnesses at hearings.

9 Eliminate Reference to Advisory Commission. Amend RSA 138-A:3 (supp) as inserted by 1970, 4:1 as amended by striking out said section and inserting in place thereof the following:

138-A:3 Administration.

I. The director of the division of mental health and developmental services within the department of health and welfare shall be a corporation, known as director, Glencliff home for the elderly, with power to sue upon any contract to which it is by law authorized to be a party and to manage and control the property and concerns of the Glencliff home for the elderly.

II. The director of the division of mental health and developmental services, after consultation with the commissioner of health and welfare, shall nominate 2 or more persons duly qualified through training or experience to serve as superintendent of the Glencliff home for the elderly. From those nominated, the governor and council shall appoint a superintendent who shall serve for a term of 4 years and until his successor is appointed and qualified. Any vacancy shall be filled for the full 4 year term in the same manner as the original appointment.

III. The superintendent shall be responsible for the administrative and executive direction of the Glencliff home for the elderly. The provisions of RSA 21:33-a shall not apply to appointments made under this section.

IV. The director of the division of mental health and developmental services shall also, in accordance with the state personnel regulations, and within the limits of available appropriations and funds, appoint such assistants as he may, from time to time, deem necessary or proper; take and hold in trust for the state any grant, devise, bequest or donation of property for the use of the Glencliff home for the elderly for the maintenance or help of any resident or residents therein; and adopt, with the approval of the commissioner of health and welfare, such bylaws and rules pursuant to RSA 541-A,

as he may deem necessary or proper for the management of the business affairs and the government of the Glenclyff home for the elderly. The commissioner of health and welfare, as authorized by RSA 126-A:2, may carry out such transfers as are necessary to implement the foregoing provisions.

10 Eliminate Reference to Tuberculous Patients. Amend RSA 138-A:1 as inserted by 1970, 4:1 by striking out said section and inserting in place thereof the following:

138-A:1 Declaration and Purpose. The purpose of this chapter is to establish a home for the elderly residents of the New Hampshire hospital.

11 Repeal. RSA 126-A:2, I relative to failure of a member to attend meetings of the advisory commission is hereby repealed.

12 Repeal. RSA 126-A:4, II relative to recommendations by the advisory commission is hereby repealed.

13 Repeal. RSA 135-B:2, III relative to the advisory commission is hereby repealed.

14 Repeal. RSA 138-A:4, II relative to the support of tuberculous patients is hereby repealed.

15 Repeals. The following sections are hereby repealed:

I. RSA 126-A:9-a relative to the board of appeals of the advisory commission;

II. RSA 126-A:9-b relative to the budget and appropriation of the advisory commission;

III. RSA 126-A:28 relative to the abolition of the commission on mental health;

IV. RSA 126-A:32 relative to the abolition of the tuberculosis commission;

V. RSA 126-A:33 relative to the hospital advisory council;

VI. RSA 138-A:7 relative to transfer of tuberculosis patients;

VII. RSA 138-A:8 relative to contracts for transferred tuberculous patients;

VIII. RSA 151:15 relative to judicial review;

IX. RSA 151:11 relative to the functions of the advisory commission; and

X. RSA 152:5 relative to advisory councils.

16 Effective Date. This act shall take effect July 1, 1981.

Conferees on the Part of the Senate

Sen. Roy, District 22

Sen. Champagne, District 20

Sen. Podles, District 16

Conferees on the Part of the House

Rep. Armstrong, Grafton District 1

Rep. Nevins, Rockingham District 2

Rep. Holmes, Merrimack District 14

Rep. Copenhaver, Grafton District 13

Sen. Roy moved adoption of the committee of conference report.

SEN. ROY: I will briefly explain it. It is just merely that we agreed to increase the oversight committee by four members, two House members and two Senate members. There will now be five on each side.

Adopted.

Sen. Brown moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills ordered to third reading be read a third time by this resolution and that all titles be the same as adopted, and that they be passed at the present time; and that when we adjourn, we adjourn until Tuesday, May 19, 1981 at 1:00 p.m.

Adopted.

LATE SESSION

Third Reading and Final Passage

HB 737, authorizing accumulation of the income of institutional funds or the addition of such income to principal.

HB 95, making certain technical terminology changes in the public utility bond financing act.

HB 390, relative to notice to lessees of certain safe deposit boxes concerning insurance on the contents of certain safe deposit boxes.

HB 391, relative to investment of funds by cooperative banks, savings and loan associations and building and loan associations.

HB 443, relative to bank directors' stock holdings.

HB 751, relative to audits of financial institutions by the bank commissioner.

HB 900, relative to regulation of small loans.

HB 526-FN, relative to the fee for a nonresident trappers license.

HB 257, granting the Lake Sunapee Protection Association the right to maintain 2 lighthouses on Lake Sunapee.

HB 488, renaming Mirror Lake outlet the Ernest B. Piper brook.

HB 789, relative to the duties of the agricultural lands preservation committee.

HB 193-FN, relative to sunset review of OHRV program (DRED).

HB 936-FN, establishing a resident super sportsman combination hunting and fishing license for an additional fee.

HB 88, prohibiting the removal of sand or vegetation from sand dunes in the town of Seabrook.

HB 260-FN, permitting school districts to establish revolving funds for construction projects as part of instruction in the building trades.

HB 383, amending certain laws relative to education.

HB 297, allowing certain school districts the option of electing the clerk, the moderator, and the treasurer for 3-year terms.

HB 442-FN, allowing school districts to adopt an article or a line item for unanticipated funding.

HB 447, repealing RSA 657:11.

HB 771-FN, relative to the procedure for removal of names from the checklist.

HB 895, requiring the contents of ballot packages to be inspected prior to election day.

HB 416, removing the requirement for a statewide library borrower's card.

HB 619-FN, relative to the taxing of certain vehicles as personal property.

HB 106-FN, concerning taxation by the town of Chesterfield of property within the Spofford fire precinct.

HB 208-FN, relative to sunset review of the state prison.

HB 283, relative to the support and custody of children.

HB 611-FN, creating an exemption from licensure requirements involving allowable numbers of residents in certain health facilities and changing the title of RSA 151.

HB 769-FN, relative to medicaid and food stamp fraud.

HB 775-FN, relative to suspending an individual from receiving old age assistance or aid the permanently and totally disabled if property is transferred to avoid recovery.

HB 826-FN, relative to the recovery of financial assistance, old age assistance and aid to the permanently and totally disabled.

HB 839-FN, making changes in the certificate of need law.

HB 856-FN, establishing the women, infants, and children (WIC) program.

HB 859, relative to standards and requirements for emergency medical services.

HB 860, relative to the annual inspection of health facilities.

HB 716-FN, to raise the penalty fee for violations of the limited credit laws in the sale of alcoholic beverages.

HB 506-FN, relative to the boat tax.

Adopted.

Senator Conley moved the Senate adjourn at 3:35 p.m.

Adopted.

Tuesday, May 19, 1981

The Senate met at 1:00 p.m.

A quorum was present.

The prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Almightly Father, Bless all whom make the laws governing this state.

Grant unto them a personal devotion to the cause of justice and good will. May they be sensitive to those things which are needed at all times for tranquility and peace to abound, in the general welfare of all the people.

Hear us, O Father!

Amen

Senator Stephen led the pledge Allegiance.

HOUSE MESSAGES

The House is ready to meet with the Honorable Senate in Joint Convention for the purpose of hearing our Honorable U.S. Representative, Norman D'Amours.

Recess to Joint Convention.

Out of Recess.

Sen. Preston was permitted to leave early because of sickness in his family.

INTRODUCTION OF GUESTS

HOUSE MESSAGES

HOUSE CONCUR WITH AMENDMENTS

HB 94-FN, to exempt energy production projects from the municipal debt limit.

HB 520-FN, authorizing cities and towns to close restaurants and other food serving establishments for health code violations.

HB 403-FN, relative to the confiscation of items used in connection with a felonious drug offense.

HB 824, setting a limit on the number of children permitted in foster care.

HB 457-FN, making certain revisions in the moter vehicle road toll laws.

HOUSE REFUSED TO CONCUR

SCR 5, urging the Congress of the United States to refrain from withholding, withdrawing, or threatening to withhold or withdraw federal funds from a state as a means of requiring a state to implement federal policies or practices.

SB 35, prohibiting recaps and retreads on the steering axles of heavy trucks.

SB 238, relative to limited use designations for Class VI highways.

HOUSE CONCURS

SB 163, relative to the qualifications of the director of public health services.

SB 232, extending the study commission for an impact survey on the removal of advertising devices and the appropriation therefor.

SB 144, naming the bridge on the road that connects routes 3 and 175 in the town of Thornton as the Thornton Memorial bridge.

SB 292, naming the twin bridges over the Connecticut river on interstate 93 between the town of Littleton, New Hampshire and Waterford, Vermont for Senator Andrew W. Poulson.

SCR 6, urging the United States Congress to enact legislation giving married persons the option of filing federal income tax returns jointly as a married couple or individually as single persons.

SCR 10, honoring Dr. James Duane Squires.

SB 46, relative to the regulation of lobbyists.

SB 226, requiring financial disclosure by all members of the general court.

SB 188, relative to work release at the state prison.

HOUSE ASKS CONCURRENCE IN AMENDMENT

SB 285-FN, establishing a state employee productivity incentive program.

Sen Brown moved Concurrence.

Adopted.

VETO MESSAGE

To the Honorable Members
of the General Court

Pursuant to Article 44 Part 2 of the Constitution, I am returning Senate Bill 36 along with my objectives thereto noted.

This bill would authorize a three-day moose-hunting season, limited to 25 hunters to be determined by a \$10-a-ticket lottery.

I am vetoing this bill for several reasons.

First, although the New Hampshire Fish and Game Department's official position is that the killing of 25 moose a year in New Hampshire would not seriously jeopardize the state's moose herd, they also inform me that there is no compelling biological evidence that "culling" 25 moose would improve the herd for the future.

Second, I am aware of the argument that 25 to 30 moose are killed each year in New Hampshire, either because they are struck by automobiles (about 20 moose a year) or killed illegally, and therefore a legal but limited season on moose would reduce this number. I do not find this argument compelling. In fact, the experience in New Hampshire when a limited elk season was allowed showed that this seemed to prompt an additional increase in illegal post-season elk kills. Subsequently, the elk herd disappeared from this State.

Third, because the small moose herd has been protected in New Hampshire, the animals are no longer accustomed to avoiding humans as potential predators. Many people have told me that "shooting a moose is like shooting a cow." Fish and Game Director Barry stated this a different way when he told my office, "there isn't much sport in shooting a moose." I agree.

Finally, I am philosophically opposed to the idea of raising state revenue through a "moose killing lottery." The State of New Hampshire should not view these animals simply from the perspective of how much money they can raise for the State treasury. However, if we adopt that viewpoint, I would agree with the sentiments expressed to me by the operators of a hunting and fishing camp in the North County. They wrote to me, saying "New Hampshire is a tourist-oriented state, and our feeling is that a live moose, which many people can see on the hoof and take photos of, is a far more valuable commodity than a dead one which goes to benefit one person."

For these reasons I cannot in good conscience sign SB 36 into law. I hope you will concur with my judgement in this matter.

Sincerely,
Hugh J. Gallen

Sen Lamontagne moved to lay the Governor's Veto Message on the table.

Adopted.

ENROLLED BILLS AMENDMENT

HB 572, relative to county jails and houses of correction. Sen. Lamontagne for the committee.

SEN. LAMONTAGNE: This amendment inserts the words "of each county" because of the passage of HB 261 earlier in the session.

Enrolled Bill Amendment to HB 572

Amend RSA 28:11 as inserted by section 2 of the bill by striking out lines 2 through 6 and inserting in place thereof the following:

commissioners of each county may, only upon a prior vote of the county convention, appoint a superintendent for: the county farm, the county jail, the county nursing home, and the house of correction. They may also appoint such other officers, agents and servants as may be required to properly care for the same and their inmates.

Amendment Adopted.

HB 631, permitting the establishment of student loan corporations. Sen. Lamontagne for the committee.

SEN. LAMONTAGNE: This amendment corrects the reference to chapters 195-D and 195-E at the beginning of the bill.

It also corrects the word "or" to "of" in the phrase "issuance of revenue bonds."

Enrolled Bill Amendment to HB 631

Amend section 1 of the bill by striking out lines 1, 2, and 3 and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after chapter 195-D the following new chapter:

CHAPTER 195-E

Amend RSA 195-E'12, II as inserted by section 1 of the bill by striking out line 10 and inserting in place thereof the following:

principle of or the interest on the bonds. The issuance of revenue bonds

Amendment adopted.

HB 653-FN, an act relative to nursing home patient accounts. Sen. Lamontagne for the committee.

SEN. LAMONTAGNE: This amendment corrects the cross reference "paragraph II" to read "paragraph I."

Enrolled Bill Amendment to HB 653-FN

Amend RSA 151-A:15, II as inserted by section 1 of the bill by striking out line 3 and inserting in place thereof the following:

60 days after the filing required under paragraph I, but the administrator

Amendment adopted.

HB 553, an act removing certain limitations on the prescription of controlled drugs. Sen. Lamontagne for the committee.

SEN. LAMONTAGNE: This amendment makes a correction in the numbering of a paragraph to be repealed so that RSA 318-B:9, III relative to the expiration of prescriptions is repealed.

Enrolled Bill Amendment to HB 553

Amend section 3 of the bill by striking out line 1 and inserting in place thereof the following:

3 Repeal. RSA 381-B:9, III relative to the expiration of prescriptions

Amendment adopted.

HB 437, an act changing the dates for annual school district meetings and for notifying certain teachers concerning their renomination for the next school year. Sen. Lamontagne for the committee.

SEN. LAMONTAGNE: This amendment corrects the reference to RSA 671:22-27 to read "RSA 671:22-26" in section 4 of the bill.

Enrolled Bill Amendment to HB 437

Amend RSA 671:2 as inserted by section 4 of the bill by striking out line 2 and inserting in place thereof the following:

at the town meeting as provided in RSA 671:22-26 or at an annual meeting of

Amendment adopted.

COMMUNICATION

Senator John P.H. Chandler, Jr.
Warner
New Hampshire 03278

Dear Jack:

I wish to express my deep appreciation to the General Court for the Concurrent Resolution in honor of Duane. It was beautifully prepared, and something I shall always cherish.

He had a strong and abiding love for New Hampshire, and his contributions to it were indeed great. But we were constantly aware of how fortunate we were to live in this State, and were grateful for the blessings we received from being a part of its citizenry since 1933.

Will you please convey to Mr. Robert B. Monier, President of the Senate, my heart-felt thanks for the action of that body in paying tribute to Duane's memory in such a splendid way.

With kind personal regards to you, I am

Most sincerely yours,
Catherine T. Squires

HOUSE ASKS CONCURRENCE WITH AMENDMENT

SB 116, legalizing actions taken at the Sandown town meeting.

Senator Conley moved Concurrence.
Adopted.

COMMITTEE REPORTS

HB 627, revising the credit union laws. Ought to pass. Sen. Podles for the committee.

SEN. PODLES: HB 627 is a very simple housekeeping bill with minor revisions of the credit union laws. Some of the sections are patented after the federal law which should strengthen it some. It has the approval of the Banking Commission and also of the New Hampshire Bankers Association. There was no opposition to the bill and the committee recommends ought to pass.

Adopted. Ordered to third reading.

HB 423-FN, relative to a coastal coordination and local assistance act. Inexpedient to legislate. Sen. Wiggins for the committee.

SEN. WIGGINS: We had an extensive hearing on this. We held up expecting it until I could talk with several people, when we held the executive session on it the vote was 5 to 0 to make it inexpedient to legislate. We urge the Senate to go along with it.

SEN. LESSARD: I rise in opposition to the committee report. I recognize the realities of the situation. The realities are that five members of the committee voted to kill this legislation. The realities are that a number of Seacoast Senators, I think all but two, are in opposition to this piece of legislation. The realities are that the votes are not here to pass this legislation today. Just let me say a brief few words about this bill. It is the intent of this bill to expand the Seacoast economy by encouraging development of tourism. It is the intent of this legislation to utilize the urban waterfront areas of Portsmouth for industry as well as public benefit, for parks, commercial fishing piers, harbors, and other public land. It is the intent of this bill to provide public access points within the Seacoast area so that there can be public utilization of those points. As the population of New Hampshire grows and as the New Hampshire seacoast becomes more and more of a tourist attraction, the areas of Hampton, Seabrook, Portsmouth and Newcastle are becoming swarmed with traffic. It is the intent of this bill to look at traffic patterns and to provide adequate transportation without the traffic jams. The question that this bill asks is "Should there be more parking lots or should there be adequate transportation into the areas that utilize those parking lots?" Perhaps the most important thing of all is that it creates a body which will discuss, which will review, which will bring Seacoast communities together to discuss the vital issues of this tremendous economic resource, that of the Seacoast area. It will link the Seacoast communities into a board, into a group of people to discuss those development issues which are facing us. I for one do not want to see the Seacoast area turned into another Nashua, another Salem, or another Londonderry, with the tremendous growth without the kind of planning that I think is necessary. This bill would have provided to facilitate those problems. I regret the committee report but I also recognize the realities and I for one will vote against it.

SEN. STABILE: I would like to say as the Senator for Nashua, neither does Nashua want to become another Dover.

SEN. SPLAINE: I think Sen. Lessard reviewed the issue quite adequately, thoroughly, and well. Quick background on this issue was that a couple years ago it began in the House as legislation which I considered quite restrictive. I took the floor of the House, a number of other people did also, and it eventually was defeated. I believe that was in 1973, perhaps the 1975 session. It has been adequately studied. I think that the benefits of assistance, the benefits of coordination, two key words on this issue, are quite obvious. It would seem to me that if we want to protect rather than seek continued destruction, either now or in the future, and it is our obligation and our generation, and I include in that all of us sitting in this Chamber today, to look down the road to twenty to forty to sixty years from now, and if we want to protect we have got to some where along the line, coordinate the agencies either on both the federal and the state levels, along with the local government, to try to bring along and together the coordination that is necessary. I think that this very well might be one way to do it. Interim study was done on this legislation two years ago and a lot of people of diverse backgrounds got together and reviewed the concept of coastal zone management, giving somewhat of a new term. It seems that we are headed in the right direction and if this legislation is defeated today, at least I would hope that those who believe in this kind of a concept are not going to be turned away because we still don't have the coordination that is necessary on the Seacoast level to prevent some of the possible developments, potential development, that is going to continue to occur. The coast is not the belongings of just those people who live there, it belongs to all of us throughout the state. There are 24 Senators here today who represent the Seacoast area. In the coming two years, if we are going to have to continue reviewing this issue, I would hope that there is going to be a lot of cooperation in doing so.

Sen. Lessard requested a Roll Call.
Seconded by Sen. Splaine.

The following Senators voted yes: Lamontagne, Conley, Freese, Hough, Bergeron, Chandler, Wiggins, Monier, Blaisdell, Mann, Stabile, Kelly, Podles, Sanborn, Stephen, and Brown.

The following Senators voted no: Boyer, Rice, Champagne, Lessard, Roy, and Splaine.

16 yeas 6 nays

Adopted.

Sen. Preston wishes to be recorded as opposing HB 423-FN.

HB 63, relative to boating, boat safety, boat inspectors and boat registration. Ought to pass with amendment. Sen. Wiggins for the committee.

SEN. WIGGINS: We studied this bill and also SB 133, amended the bills and made a good bill out of the both of them. We urge passage.

SEN. RICE: Can you tell me if this bill applies to both salt water and fresh water, or only to fresh water?

SEN. WIGGINS: As far as I know this applies to fresh water.

Amendment to HB 63

Amend the bill by striking out section 4 and renumbering sections 5 through 21 to read as follows:

4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, respectively.

Amendment adopted. Ordered to third reading.

HB 64, concerning the tax year for property taxes. Ought to pass. Sen. Sanborn for the committee.

SEN. SANBORN: This is a very simple little bill. As Sen. Ferdinando would say, it is a good bill. All it does is clarify the language relative to when your tax year begins. The way the law reads now it says the first of April, it doesn't define April 1. This bill just does that, that they will start April 1. That is all this bill does, it is a good bill, and we recommend its passage.

Adopted. Ordered to third reading.

HB 161-FN, relative to sunset review of the nurses registration board. Ought to pass with amendment. Sen. Conley for the committee.

SEN. CONLEY: It was felt by the Executive Departments committee that because of problems which have been created through the handling of these two bills, namely HB 161-FN and HB 123-FN, that the Executive Departments committee felt that we had to hold an additional hearing to allow for input from nursing groups in regard to these two bills. HB 161-FN in effect, if it was passed in the form that it came to this Senate, would have done a number of things to the existing Board of Registration that no one seemed to want but the Executive Departments and Administrations Committees of the House. What we have done in concert with the nursing community in this particular instance is, 1) cleaned up improper references to the statutes in the bill, 2) we have revamped the section on Board membership, increasing it to seven, 3) we have returned the fee schedule to its original set-up, 4) we have returned that portion of the statutes which left out in this bill, licensing of out-of-state and foreign nurses, 5) we have repealed the section of this bill transferring \$134,000 from a restricted fund to the General Fund, 6) we have repealed section 14, commonly known in the Senate as son of 701, which in fact provided for all boards and commissions to be put under the Secretary of State's office. Incidentally, the amendment as we received it from the House included no funding to accomplish that. These we felt were areas that had to be corrected. They reflected inaccurate and misleading information, not only in this bill but in HB 123-FN which deals specifically with the scholarship program that the nurses have run for a good many years. Today we are dealing with these bills tied together by confusion and controversy. The nurses were not asked, they were not told about these 14 sections in HB 161-FN, not even House members who were nurses and were active in these discussions were made aware of the amendment that was to be put on HB 161-FN. We have been told that the amendment to HB 161-FN that established this overall umbrella division in the Secretary of State's office was put on this bill because they had no other vehicle to do it with at the time that it was passed through the House. Members of the Senate, we

now have in the Executive Departments committee HB 539 which deals specifically with that subject matter. Also they ignored any input from the very group most affected by this legislation. Such statements regarding the size of the Board were stated that the Board was 12 when in fact it was 6. The committee stated that there was a \$134,000 surplus in the scholarship fund, when in fact there was about \$5,000 left, and it wasn't even referring to the same fund. They were told that no matter what effort they made that they were going to lose that \$134,000 no matter what action was taken. I would suggest that in view of the obvious use of misinformation to institute unrealistic amendments to these bills in the House, that the Senate in fact pass these bills as amended by the Executive Departments Committee in the hopes that a Committee of Conference can work out the details of an acceptable compromise. The alternative is the end of a most viable program that has been in existence since 1910, and which has carried its own weight all that way. It also means chaos in the health service field with the cost of malpractice insurance and so forth, skyrocketing out of sight. It would appear that they have been punished for running an efficient and effective, economically sound program. Centralization should not be addressed by an unfounded amendment but by full and honest consideration of a bill designed to do just that and that alone. It should not be addressed by a hostage establishing amendment to a licensing bill, that is nothing more than blackmail. Either buy our product or lose your Board. And that ladies and gentlemen, has also actually been said to these people by proponents of the centralization. Members of this Senate, let us deal with that when we come to it in HB 539. The committee is unanimous in urging the passage of both HB 161-FN and HB 123-FN as amended by the committee.

SEN. MONIER: Just one question so that we have the record straight, is it not correct that on HB 161-FN, and I think you have eluded to it, that there was an amendment which was germane to all boards, put on that in the House?

SEN. CONLEY: That is correct.

SEN. MONIER: Was it not correct also that it came to our attention, the leadership in the Senate, that this was done on the basis that we would refuse to do anything with the Nurses' Registration Board, and therefore would have to adopt this so-called germane amendment?

SEN. CONLEY: That was strongly intimated, sir.

SEN. BLAISDELL: Sen. Conley you did an excellent job on this bill. There is no question about that, but I want to tell you about my indoctrination on this bill the other day as I was having my blood pressure taken by a very young nurse. As she pumped that little valve she had in her hand she was telling me about the merits of this bill and before my eardrums blew out I told her I would be very happy to support it, and I will.

SEN. LAMONTAGNE: I rise in support of the committee report of ought to pass with amendment as proposed. Right now at least the amendment does increase the membership from 6 to 7. I personally feel that I have had many, many calls from nurses, and especially a large group of nurses from the city of Berlin. In fact they called me to a meeting last evening. I feel that I will be very comfortable in making a report to them of what has been said by Sen. Conley. The only thing we have to worry about is what will happen in that Committee of Conference. I am hoping that this will be ironed out satisfactorily for these nurses. These nurses that I met with last night are all very worried about losing the Board. I hope that the Senate will pass this amendment at this time and I hope that the Committee of Conference will come in favorable to the nurses.

Amendment to HB 161-FN

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Board. Amend RSA 326-B:3, I (supp) as inserted by 1975, 281:1 by striking out said paragraph and inserting in place thereof the following:

I. There shall be a board of nursing education and nurse registration consisting of 7 members, including 5 professional registered nurses, one licensed practical nurse, and one public member. Each member shall be a resident of this state appointed by the commissioner of education. Recommendations of qualified candidates may be submitted by any interested party, as well as the professional nursing organizations. Members shall serve a term of 3 years and no member of the board shall be appointed to consecutive terms.

Amend the bill by striking out section 4 and inserting in place thereof the following:

4 Public Member; Compensation. Amend RSA 326-B:3, IV (supp) as inserted by 1975, 281:1 by striking out said paragraph and inserting in place thereof the following:

IV. The public member of the board shall be a resident of this state who has attained the age of majority and is knowledgeable in consumer health concerns. Persons having previously served as a health care provider or enrolled in any health related educational program shall not be eligible for appointment as a public member.

V. Each member of the board shall receive \$50 for each day actually engaged in official duties of the board and shall be reimbursed for travel at the mileage rate established under RSA 99-A:1.

Amend the bill by striking out section 5 and inserting in place thereof the following:

5 Temporary Permits. Amend RSA 326-B:9 (supp) as inserted by 1975, 281:1 by striking out said section and inserting in place thereof the following:

326-B:9 Practice Pending Examination Results. The board may grant a temporary permit to an applicant for registration under this chapter on evidence that he apparently meets the requirements of this chapter, pending the results of the first examination scheduled by the board following his graduation.

Amend RSA 326-B:4-a as inserted by section 6 of the bill by striking out paragraph VII and renumbering the original paragraphs VIII-XI to read as VII, VIII, IX, and X respectively.

Amend the bill by striking out section 9 and inserting in place thereof the following:

9 Nonresidents. Amend RSA 326-B:7, III (supp) as inserted by 1975, 281:1 as amended by striking out said paragraph and inserting in place thereof the following:

III. The board may issue without examination a license to practice as a licensed practical nurse to:

(a) An applicant who has been duly licensed or registered as a licensed practical nurse or a person entitled to perform similar services under a different title under the laws of another state or territory of the United States, if, in the opinion of the board, the applicant meets the requirements of RSA 326-B:7, I and II; and

(b) A person who has been licensed as a licensed practical nurse in another state or territory under an education equivalency clause, has passed a written licensing examination acceptable to the board, and has had satisfactory experience as a licensed practical nurse in the 5 years prior to filing application.

Amend the bill by striking out section 13 and inserting in place thereof the following:

13 Initial Appointments. Appointments to the board of nursing education and nurse registration shall be made to reach compliance with the composition requirements of this act as soon as practicable, provided that no present board member shall be required to resign such membership prior to the expiration of his term under prior law.

Amend the bill by striking out section 15 and inserting in place thereof the following:

15 Repeal. The following provisions are hereby repealed:

I. RSA 326-B:4, II relative to adoption of rules by the board;
II. RSA 326-B:21 relative to administration of the scholarship program; and

III. RSA 326-B:22 relative to the amount of nurses' scholarships.

Amend the bill by striking out sections 12 and 14 and renumbering the original sections 13, 15 and 16 to read as 12, 13, and 14 respectively.

Amendment adopted by unanimous vote. Ordered to third reading.

Sen. Roy in the Chair.

HB 123-FN, relative to sunset review of nursing scholarships, transferring the program to the post secondary education commission. Ought to pass with amendment. Sen. Conley for the committee.

SEN. CONLEY: We have basically discussed the issues predominant in HB 123-FN in the last testimony. The amendments in this bill are very minor. The nurses concur with the actions of the committee in this particular effort. We urge the passage of HB 123-FN as amended.

Amendment to HB 123-FN

Amend RSA 188-D:18 as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

188-D:18 Repayment.

I. Recipients of loans for one year shall have their notes cancelled upon satisfactory completion of one year of nursing service in New Hampshire following licensure, or completion of the graduate program.

II. Recipients of loans for more than one year shall have their notes cancelled upon satisfactory completion of 2 years of nursing service in New Hampshire immediately following licensure or completion of the graduate program.

III. If the notes is not cancelled because of service as a nurse, the recipient shall repay the loan within 2 years after withdrawing from or completing the training program.

IV. If a recipient refuses to repay a loan, the commission shall turn the account over to the appropriate collection agency.

V. The state treasurer shall credit all loan repayments to the nurses' scholarship loan fund for use in granting other scholarship loans.

VI. Nothing in this subdivision shall be construed to alter any rights or obligations incurred under RSA 326-B relative to the granting and repayment of scholarship loans.

Amend the bill by striking out section 4 and inserting in place thereof the following:

4 Transfer of Funds and Property. All personnel, records, accounts, and property used in administering the nursing

scholarship program are hereby transferred to the post-secondary education commission to be used in administering the program.

Amendment adopted by unanimous vote. Ordered to third reading.

HB 229, concerning the naming of an agent to receive property tax bills. Ought to pass. Sen. Stephens for the committee.

SEN. STEPHENS: The only thing that this bill does is it deletes the word "organization" from the section of the law dealing with who is to receive the property taxes. This bill sends the tax bill to the property owner. Ira Gallant, tax collector of Nashua, spoke in favor; David King, representative of the New Hampshire Tax Collectors Association spoke in favor. No one spoke in opposition.

Adopted. Ordered to third reading.

HB 310, prohibiting person from running as independent candidates after losing in the partisan primary. Inexpedient to legislate. Sen. Conley for the committee.

SEN. CONLEY: This is one of four bills on the same subject. We have other legislation that covers this area more adequately and we recommend inexpedient to legislate.

Adopted.

HB 266-FN, creating a uniform fee system for town clerks in recording licenses for utility poles and wires. Ought to pass. Sen. Sanborn for the committee.

SEN. SANBORN: Basically what this bill does is straighten out the various statutes relative to who checks and issues the fees on licensing of utility poles. It cleans out the part that says that the selectmen had to go out and view each one of the poles or proposed location for a pole and it made standard the fee that goes to the town clerk. From all the testimony that we received in committee it was all in favor of this bill. The committee recommends passage of HB 266-FN.

Adopted. Ordered to third reading.

HB 511-FN, relative to railroad tax payments. Ought to pass. Sen. Sanborn for the committee.

SEN. SANBORN: Actually what this bill does is clean up your inventory blanks. As you know now there is one section on the inventory blank that says, do you own how many shares of stock in this railroad, and that railroad, and all the railroads that used to exist in the State of New Hampshire. Instead of spending time going through there and putting zeros in all those as I have to, this will clean it up. The railroad owners will report directly to the Revenue Commission and to which town where these people live that own the stock. This will save the selectmen from having to go through the inventory blanks picking out if you do own a share of Great Northern or whatever it is in the northern part of the State of New Hampshire, and instead of them having to record it and then compile all the various things and get them in to the Revenue Administration, it will be done directly by the Revenue Administration. It is going to save the selectman a lot of time. We recommend passage.

Adopted. Ordered to third reading.

HB 651-FN, concerning the prepayment of resident tax. Ought to pass. Sen. Sanborn for the committee.

SEN. SANBORN: Under law right now you are not liable for your resident tax until you receive the bill from the tax collector. People who are born after April 1 and up to the time the tax bills go out are going to have trouble trying to register their automobiles unless they have paid their residence tax for the next year. All this bill does is say that a person may be allowed to prepay his residence tax so that he can register his automobile between April 1 and the time the tax bills go out. That is all the bill does.

Adopted. Ordered to third reading.

HB 666, enabling cities and towns to regulate certain activities on public property. Ought to pass. Sen. Stabile for the committee.

SEN. STABILE: HB 666 enables the towns to regulate certain activities on public property. There was no opposition to this bill whatsoever. The two communities were in speaking in favor of it. The committee unanimously recommended ought to pass.

Adopted. Ordered to third reading.

Sen. Bergeron in the Chair.

HB 875, relative to filing for nomination in special elections. Inexpedient to legislate. Sen. Conley for the committee.

SEN. CONLEY: This is one of those four bills that I mentioned a short time ago covering the same subject. There are other bills that can cover the subject matter more adequately. We move inexpedient to legislate.

Adopted.

SUSPENSION OF RULES

Sen. Conley moved that the rules of the Senate be so far suspended as to allow a committee report with only one days notice of hearing in the calendar.

Adopted.

HB 949, legalizing the proceedings authorizing the issuance of certain bonds of the Meriden Village water district. Ought to pass. Sen. Conley for the committee.

SEN. CONLEY: This is a simple, legalizing bill which had to do with an action taken by the Meriden Village water district. We acted upon the recommendation of the appropriate officials who were given improper information. This has to do with bids that are out now. The testimony was totally in favor of it, there was no opposition. People from the Bond Council and others appeared in favor of it. The committee moves ought to pass.

Adopted. Ordered to third reading.

HB 25-FN, to permit the establishment of police commissions by town vote. Ought to pass with amendment. Sen. Conley for the committee.

SEN. CONLEY: This bill started out to establish a police commission for the town of Bristol only. The amendment provides enabling legislation for any town in the State of New Hampshire to accomplish the same thing at a meeting of the town. All the testimony was in favor. We had a great deal of support for this action from many of the small towns in the state and we recommend passage.

Amendment to HB 25

Amend RSA 105-C:3 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

105-C:3 Establishment.

I. If a majority of those voting in a town in any town election answer the question posed in RSA 105-C:2, I in the affirmative and select the method of establishment set out in RSA 105-C:2, II(a), the voters of such town shall, at the next succeeding annual town election, elect such a police commission. The term of office of each such commissioner shall be for 3 years, except that of the first commission elected under this chapter in any town, one member shall be elected to serve a term of one year and one member shall be elected to serve a term of 2 years. Any vacancy occurring on the commission shall be filled by appointment of the board of selectmen until the next regular annual town meeting.

II. If a majority of those voting in a town in any town election answer the question posed in RSA 105-C:2, I in the affirmative and select the method of establishment set out in RSA 105-C:2, II(b), the governor, with the consent of the council, shall promptly appoint such a commission. The term of office of each such commissioner shall be for 3 years, except that of the first commission appointed under this chapter in any town, one member shall be appointed to serve a term of one year and one member shall be appointed to serve a term of 2 years. Any vacancy occurring on the commission shall be filled by appointment of the governor, with the approval of the council, for the duration of the unexpired term.

III. No person holding office as a selectman, treasurer, collector of taxes, auditor, highway agent, or head of a police department shall be elected or appointed as a police commissioner under this section.

Amendment adopted. Ordered to third reading.

HB 312, increasing the number of signatures needed to nominate a candidate by nomination papers. Ought to pass with amendment. Sen. Sanborn for the committee.

SEN. SANBORN: This bill establishes the number of signatures required for nomination papers for various candidates. It calls for 3,000 legal voters for President, Vice-President, United States Senator, or Governor; 1,500 for candidates for the United States Congress; 750 for councilor, state Senator, or county officer; 150 for candidates for the state House of Representatives. The amendment requires the candidate for President, Vice-President, United States Senator or Governor, that portion only, it devises that he has to get 1,500 signatures from each of the two Congressional districts within the state. The committee thought that this was better because instead of stopping in front of Bobby Stevens restaurant in Manchester and collecting all 3,000 signatures, that he would at least have to move down to Nashua to get the other 1,500. That is what the amendment does. All together we think that this number of signatures is a good idea, to increase this number because of the increase in population. That number hasn't been changed since back in 1910 or 1911 or somewhere like that. We thought that with the amendment it made a good bill.

Amendment to HB 312

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Increasing Number of Voters Required for Nomination by Nomination Papers. Amend RSA 655:42 (supp) as inserted by 1979, 436:1 by striking out said section and inserting in place thereof the following:

655:42 Number.

I. It shall require the names of 3,000 legal voters, 1,500 from each United States congressional district in the state, to nominate by nomination papers a candidate for president, vice-president, United States senator or governor.

II. It shall require the names of 1,500 legal voters to nominate by nomination papers a candidate for United States representative; 750 to nominate a candidate for councilor or state senator; and 150 to nominate a candidate for state representative or county officer.

Amendment adopted. Ordered to third reading.

HB 270, relative to changing the date for submission of the Rockingham County Budget. Ought to pass with amendment. Sen. Sanborn for the committee.

SEN. SANBORN: This was first introduced for and in behalf of the county commissioner of Rockingham County because as you know the members of the county delegation is made up of the Representatives and since they have just gone into office the first of December they don't realize that they have assumed these new duties, especially a new Representative. The old ones figure that they still go until January so there is confusion on getting the budget before the delegation. What this does is it changes the date from December 1 to January 15 so that more deliberations may be given by the delegation in Rockingham County to the budget as submitted by the commission. At the time of the hearing the Strafford County commissioners came in and requested that they too be added to the bill so that they could start meeting submission of that budget somewhere between December 1 and January 15. They seemed to put up a good argument so we agreed with them and that is the amendment to the bill.

Amendment to HB 270

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to changing the date for
submission of the Rockingham and
Strafford county budgets.

Amend the bill by striking out section one and inserting in place thereof the following:

1 Rockingham and Strafford Counties; Budget Estimates. Amend RSA 24 by inserting after section 21-a the following new section:

24:21-b Rockingham and Strafford Counties. Notwithstanding any other law to the contrary regarding the date for submitting budget estimates, the following procedure shall apply in Rockingham and Strafford counties:

I. The county commissioners shall, annually prior to January 15, deliver or mail to each member of the county convention who will be in office on the date that appropriations are voted, and to the chairman of the board of selectmen in each town, and the mayor of each city within the county, and to the secretary of state, their itemized recommendations of the sums necessary to be raised for the county in the following fiscal year. Such recommendations shall state in detail the objects for which the money is required, together with a statement of actual expenditures and income for at least 9 months of the preceding calendar year. All moneys to be appropriated by the county must be stipulated in the budget on a "gross" basis, showing revenues from all sources, including grants, gifts, bequests and bond issues, as offsetting revenues to appropriations affected.

II. The county convention shall not vote any appropriations for the following budget period until 28 days after the mailing of the recommendations required in paragraph I. Appropriations for the first year of each biennium may not be voted until after the first meeting of the county convention under RSA 24:9-a.

Amendment adopted. Ordered to third reading.

HB 823-FN, relative to liens for town and county paupers' assistance against persons awarded civil judgments. Ought to pass with amendment. Sen. Stephens for the committee.

SEN. STEPHENS: Basically you can recover any time that a recipient of a town's assistance has some money. This would add the possibility of placing a lien on property settlements, inheritances, and court settlements as a result of personal injury cases. The committee was all in favor of this bill.

Amendment to HB 823-FN

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to liens for town and county
paupers' assistance.

Amend RSA 165:28-a as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

165:28-a Liens on Civil Judgments.

I. A town shall be entitled to a lien upon property passing under the terms of a will or by intestate succession, a property settlement, or a civil judgment for personal injuries awarded any person granted assistance by the town under RSA 165 for the amount of assistance granted by the town.

II. The town shall be entitled to the lien only if the assistance was granted no more than 6 years before the receipt of the inheritance or the award of the property settlement or civil judgment, provided that this section shall not apply to inheritances, property settlements, or civil judgments awarded before the effective date of this section.

III. This lien shall take precedence over all other claims.

Amend RSA 166:22-a as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

166:22-a Liens on Civil Judgments.

I. A county shall be entitled to a lien upon property passing under the terms of a will or by intestate succession, a property settlement or a civil judgment for personal injuries

awarded any person granted assistance by the county under RSA 166 for the amount of assistance granted by the county.

II. The county shall be entitled to the lien only if the assistance was granted no more than 6 years before the receipt of the inheritance or the award of the property settlement or civil judgment, provided that this section shall not apply to inheritance, property settlements, or civil judgments awarded before the effective date of this section.

III. This lien shall take precedence over all other claims.

Amend the bill by striking out section 6 and inserting in place thereof the following:

6 Recovery from Recipients. Amend RSA 166 by inserting after section 19 the following new section:

166:19-a Recovery from Recipients. Any county furnishing assistance to any person who is returned to an income status after receiving the assistance which enables him to reimburse the county without financial hardship, may recover from such person the amount of assistance provided.

7 Recovery of Expense. Amend RSA 166 by inserting after section 23 the following new section:

166:24 Recovery of Expense; Court Costs. If a county spends any sum for the support, return to his home or burial of a pauper having a settlement in a town or another county, or for the support, return to his home or burial of a pauper having relations able to support him under RSA 165:19, such sum may be recovered from the town, county or relation so chargeable, subject to RSA 164-A:6. In any civil action brought under this section to recover such sum, the court shall award costs to the prevailing party.

8 Recovery from Recipients. Amend RSA 165 by inserting after section 20-a the following new section:

165:20-b Recovery from Recipients. Any town furnishing assistance to any person who is returned to an income status after receiving the assistance which enables him to reimburse the town without financial hardship may recover from such person the amount of assistance provided.

9 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted. Ordered to third reading.

HB 153-FN, relative to sunset review of human rights commission. Ought to pass. Sen. Conley for the committee.

SEN. CONLEY: We held a public hearing on this bill at the request of several parties and we found that after listening to the testimony that we concur with the findings of the House and move the bill ought to pass.

Adopted. Ordered to third reading.

HB 141-FN, relative to the sunset review of the board of accountancy. Ought to pass with amendment. Sen. Conley for the committee.

SEN. CONLEY: The Senate felt that it had to hold a hearing on HB 141-FN. We held that hearing. We have entered a couple of amendments to that particular unit. One has to do with the establishment of the board and the number of people on the board, raising it to six, including three certified public accountants, two public accountants, and a public member. The other amendments were corrections of errors in the drafting as we reviewed them. The committee votes unanimously to report this out ought to pass with amendment.

Amendment to HB 141-FN

Amend RSA 209-A:2, I as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

I. There shall be a board of accountancy consisting of 6 members; including 3 certified public accountants, 2 public accountants, and one public member, each to be appointed by the governor, with the approval of the council, to a term of 5 years. No member of the board shall be appointed to more than 2 consecutive terms. Only board members provided for in this paragraph shall have the authority to vote in board determinations.

Amend RSA 309-A:13-a, I(d) as inserted by section 9 of the bill by striking out same and inserting in place thereof the following:

(d) The person, partnership, corporation, or other business entity first obtains a valid foreign accountant practice permit from the board, renewable biennially in the board's discretion, and pays a fee therefor which shall be set by the board.

Amend the bill by striking out section 22 and inserting in place thereof the following:

22 Initial Appointments. Appointments to the board of accountancy shall be made to reach compliance with the composition requirements of this act as soon as practicable, provided that no present board member shall be required to resign such membership prior to the expiration of his term under prior law. The first new appointment after this act has taken effect shall be of the public member.

Amendment adopted. Ordered to third reading.

HB 910, relative to timeliness of filing a claim or an appeal relative to unemployment compensation benefits. Inexpedient to legislate. Sen. Freese for the committee.

SEN. FREESE: This bill makes clear that a person will not be disqualified for receiving unemployment benefits if his failure to file proper and timely claims was caused by circumstances beyond his control. The second part is that it also increases the time to appeal a certifying officers determination from 7 to 14 days. We held a hearing and there was one testifying for the bill and four against. It was determined that if a person presently misses a qualifying date and the excuse is legitimate, an exception is made by DES. Also there seems to be no need to extend the certifying officer's determination from 7 to 14 days. That was requested by the North Country because of the mail, but here again there was testimony to the fact that there were exceptions here if the mail was to blame for the late delivery of over 7 days. In view of this the committee recommends inexpedient to legislate.

Adopted.

HB 909, relative to the effect of retirement pay on and the disqualification for unemployment compensation benefits. Inexpedient to legislate. Sen. Freese for the committee.

SEN. FREESE: This proposed legislation is in two parts. It suggests that family sickness qualify for unemployment compensation. The committee felt that this could be an uncontrollable situation. The second part relates to the effective retirement pay on disqualification of unemployment compensation benefits. SB 263 went to an interim study and in view of these two situations the committee is recommending inexpedient to legislate.

SEN. KELLY: Are you saying that there is another Senate bill that covers this same subject matter?

SEN. FREESE: Yes, SB 263 was sent to interim study and that bill will be studied as I understand it, and this section will be resolved one way or the other with more information and input. That is the second part of this bill.

SEN. KELLY: That is the part that deals with the senior citizens.

SEN. FREESE: That is the part that deals with the retirement pay being exempt and being made an exception to unemployment compensation benefits.

Adopted.

Sen. Lessard wishes to be recorded as being in opposition to the committee report on HB 909.

Sen. Kelly wishes to be recorded as in opposition of HB 909.

HB 691-FN, bringing unemployment compensation into conformity with federal requirements. Ought to pass. Sen. Freese for the committee.

SEN. FREESE: This bill was introduced at the request of the Attorney General's office. It simply brings the unemployment compensation into conformity with the federal requirements. There were three people who testified, all in favor of the bill. The committee recommends it ought to pass.

Adopted. Ordered to third reading.

HB 560, relative to the maximum amount of life insurance a creditor may hold on the life of a debtor. Ought to pass. Sen. Freese for the committee.

SEN. FREESE: This too is an uncontroversial piece of proposed legislation. It has been through the House. What the bill does is it increases from \$25,000 to \$50,000 maximum amount of insurance which a creditor may hold on the life of a debtor. If you own a home and you want to cover it, the life insurance heretofore the maximum was \$25,000. This bill raises it to \$50,000. The committee recommends it ought to pass.

Adopted. Ordered to third reading.

HB 594, relative to insurance information and privacy protection. Interim Study. Sen. Freese for the committee.

SEN. FREESE: This was a very trying hearing. It really stretched one's patience. As you can see by the bill it is a very long and complicated one. However it is a National Association of Insurance Commissioners model bill and it is supported by the American Council of Life Insurance, Independent Insurance Agents of New Hampshire, and the American Insurance Association. No one appeared at the hearing against the bill or against the proposed legislation. A few of the things that it does is it prohibits pretext interviews except where fraud or criminal activities are suspected. It also regulates the gathering of insurance information and provides notice be given to the applicant in writing as to what type of data will be gathered and his rights to the information, and the opportunity to correct it. It really defines and refines the policies and the procedures in selling insurance with regard to the rights of the insurance companies, the agents, and also the applicant. The committee recommends interim study.

Adopted.

HB 813, relative to joint credit life insurance. Ought to pass. Sen. Champagne for the committee.

SEN. CHAMPAGNE: This bill provides that if there is more than one borrower on a loan transaction that both borrowers could be insured on a credit life. That is the only change it makes. Currently only one of the borrowers is allowed to be insured. This would provide that both borrowers, in other words, husbands and wives, could be insured.

Adopted. Ordered to third reading.

HB 555, relative to nonforfeiture benefits of life insurance policies, and reserve valuation standards for life insurance policies and annuity contracts. Ought to pass. Sen. Freese for the committee.

SEN. FREESE: This is again a model National Association of Insurance Commissioners' bill which will most likely pass and be proposed in all states. To not support the bill would result in competitive disadvantages to companies doing business in New Hampshire. This bill will allow companies to be more competitive in pricing their products. It will also result in lower premium charges to future insureds. The bill will allow the commissioners more discretion in approving future products not already addressed by the law to keep the pressure on companies to be innovative and cost conscious. The last thing that the bill will do is that the formula changes in law generally result in application of an easier formula and generally raise cash values. Cash value calculations involve attempts at equity to the withdrawing policy holders. We feel that it is a good bill and the committee was unanimous in their recommendation that it ought to pass.

Adopted. Ordered to third reading.

HB 464, providing funding for development, testing, and implementation of the radiological emergency response plan. Ought to pass. Sen. Brown for the committee.

SEN. BROWN: HB 464 sets up an evacuation plan at the Seabrook plant and also for Vermont, along the Vermont border for the plant over there. It is administered by the Civil Defense Agency in cooperation with the effected towns, local governments. The Chairman of the Public Utilities Commis-

sion shall assess a fee from the utility as to what it costs to implement and to prepare the plan. The Director of Civil Defense shall conduct an annual review to update the plan as necessary. The municipalities each year will come in with a proposed budget along with any state agency and the Director of Civil Defense will converse with the PUC and the PUC will see that that assessment is charged to the utility. Also in turn he will state to the State Treasurer what it is so that the State Treasurer shall bill them. That is the extent of the bill.

SEN. LESSARD: Sen. Preston asked me to read a letter that he had received from several Seacoast Representatives, as you know, he is not here.

Sen. Preston wishes to be recorded as being against HB 464.

Senator Robert Preston
State House
Concord, N.H.

Dear Senator Preston:

We, the undersigned, were the sponsors of the original HB 464.

The entire bill was removed in House Committee, and the amendment in no way reflects our intent or the wishes of our constituents.

Although we cannot withdraw our names as sponsors of HB 464, we wish to disassociate ourselves from the bill as amended.

We ask that you please express our wishes to the other members of the Senate.

Sincerely yours,

Beverly A. Hollingworth
Rockingham District 12

Roberta C. Pevear
Rockingham District 12

Robert B. Blaisdell
Rockingham District 13

Joseph A. MacDonald
Rockingham District 20

SEN. SPLAINE: I am very much opposed to the version that we now have of HB 464. I think that the sponsors' original intent was far from what we see before us today. I think

that it is very commendable on their part that they have withdrawn their support of the legislation that we see here. I think the bottom line is that this is going to pass today. I know that the Public Service Company has certainly lobbied very hard for the success of this amended version but I don't think it should be approved by the Senate. I think when we consider whether or not evacuation can occur in the Seacoast area, the simple fact of the matter is it cannot. I think that is what we are going to find out. I think any monies spent on anyone's behalf or anyone's part for an evacuation plan in the future is going to be quite unsuccessful. I think that if there is any question about that all you have to do is take a trip down to Hampton Beach in the middle of the summer and then try to go home within a one to two hour period.

SEN. BROWN: It was testified in committee in relation to HB 464. First of all we did not amend the bill as the committee report has stated. The amendment was made in the House. It was testified that the reason the House amended it was because there was a \$2 million appropriate and the sponsor wanted 90% of it to go to the communities. The House Appropriations Committee in their wisdom found that it was not necessary, that it is going to be at least a couple of years before the plant comes on-line and the utility and the communities and the state will form this plan and that there was ample time to consider any costs that might occur. To do it now was strictly guess work and it would be a more accurate cost factor if we put the plan into effect now and then when they received their license to go into operation we could come to better costs.

SEN. SPLAINE: What plan are we talking about?

SEN. BROWN: The evacuation plan.

SEN. SPLAINE: We are talking about the evacuation plan. Do you believe that an evacuation plan can be prepared either now or two years from now, assuming that the plant will eminently open in 1984 or 1985?

SEN. BROWN: The answer is yes. I think a very good plan can come up according to this bill. And if they follow the plans and as it is mandated in this bill, with the civil defense and the local towns and everybody working together, yes, definitely I do.

SEN. SPLAINE: Would during one of these upcoming summer nights, if I give you a telephone call, would you go

to Hampton Beach with me and see if we can, at 6:00 p.m. on a Sunday evening, get back to your home within a reasonable period of time?

SEN. WIGGINS: I too sat on the committee to hear this bill. If you go with each town creating their own evacuation plan you would have chaos. If you go with the Civil Defense setting up a plan for the region you might have some sensible plan and you wouldn't meet each other at the edge of each town and have a traffic jam. So we urge passage of this bill as it is.

Roll Call requested by Senator Splaine.

Seconded by Senator Lessard.

The following Senators voted yes: Lamontagne, Conley, Freese, Hough, Chandler, Wiggins, Monier, Blaisdell, Mann, Stabile, Boyer, Kelly, Podles, Sanborn, Stephen, Brown, Champagne, and Roy.

The following Senators voted no: Rice, Lessard, and Splaine.

18 yeas 3 nays

Adopted. Ordered to third reading.

HB 725-FN, concerning verification of eligibility for certain property tax exemptions. Ought to pass. Sen. Brown for the committee.

SEN. BROWN: This bill allows assessors and selectmen, in relation to elderly or anybody else by law entitled to an exemption on the local level, it gives them the authority and the right to demand proof through either their tax report or any other form such as their interest and dividends tax form, to prove their eligibility. We checked into it, it does not conflict with the federal privacy act or confidentiality act.

Adopted. Ordered to third reading.

HB 745-FN, establishing a legislative procedure for executive reorganization and authorizing certain state officials to prepare reorganization plans. Ought to pass. Sen. Brown for the committee.

SEN. BROWN: HB 745-FN is the result of a committee that was set up by the Speaker of the House 2 years ago. The sponsors of the bill are the members of that committee. It is to establish a legislative procedure for executive reorganization and authorizing certain state officials to prepare reorganization plans. The committee that it sets up is made up of the House Executive Departments Committee and the Senate Executive Departments Committee in cooperation with six department heads: the Comptroller, the Attorney General, the Commissioner of DRED, the Commissioner of Public Works and Highways, the Commissioner of HEW, and the Commissioner of Education. Each one in turn is to individually come up with their idea as to how conserve in government and make the government more workable for the people and to report to them. And for this committee to come in 2 years from now with a piece of legislation to restructure the Executive Departments doing those things.

SEN. CONLEY: I heard you say who made up the members of the committee, I don't mean to be provocative, but I'm trying to find out where I find composition, unless this bill has been amended, the committee on executive reorganization shall be eleven members, three appointed by the Governor, five appointed by the Speaker of the House, and three appointed by the President of the Senate.

SEN. BROWN: The House did amend it.

SEN. CONLEY: They amended this.

SEN. BROWN: I'm sorry, you don't have the chairman's copy. It now reads "the House Executive Departments Administrative Committee and the Senate Executive Departments Committee shall meet jointly."

Adopted. Ordered to third reading.

HB 444, recognizing July 13, 1835 as the date of incorporation of St. Paul's Episcopal Church of Concord. Ought to pass. Sen. Champagne for the committee.

SEN. CHAMPAGNE: This bill recognizes the date of incorporation of the St. Paul's Episcopal Church in Concord to be July 13, 1835. For some reason the Secretary of State has no record of the corporation date of the St. Paul's Episcopal Church. This bill legalizes what the church has done

for the last, well, back to 1825. We recommend ought to pass.

Adopted. Ordered to third reading.

HB 748-FN, relative to the court accreditation commission. Ought to pass. Sen. Chandler for the committee.

SEN. CHANDLER: This bill eliminates the provision that there has to be an annual inspection by the court accreditation committee and it also allows the reports to be periodic instead of every year. The courts will be inspected but they won't be inspected every year. They will be inspected when it is convenient for the committee to inspect them and then they will make a report. The committee thought it was reasonable to allow that.

Adopted. Ordered to third reading.

HB 542, relative to shoplifting and warrantless arrests. Inexpedient to legislate. Sen. Chandler for the committee.

Sen. Chandler moved that HB 542 be recommitted to committee.

Adopted.

Sen. Monier in the Chair.

HB 752, relative to debtor exemptions and increasing the homestead right. Ought to pass. Sen. Chandler for the committee.

SEN. CHANDLER: This bill changes the amount of money that will be exempt from being attached by an action of bankruptcy. Formerly the owner was allowed to have \$1,000 free from being attached, this raises that up to \$2,000. It raises it from \$2,500 to \$5,000. The value of goods is raised up to \$1,000 and the bill enumerates the various types of things that would be exempt. For instance if he had a comfortable bed it would be exempt, and if he had a hog and a pig, the pork from the same would be exempt, so forth and so on. The committee thought this was a bill in the right direction and recommended ought to pass.

Adopted. Ordered to third reading.

HB 418, to increase the homestead right. Inexpedient to legislate. Sen. Chandler for the committee.

SEN. CHANDLER: This bill increases the right of a homestead from \$2,500 up to \$50,000. The committee thought this was an excessive amount and also the provisions were included in the bill that we just passed. Therefore it would be a duplication to pass another and we reported it inexpedient to legislate.

Adopted.

HB 756, relative to the attestation of deeds and mortgages. Ought to pass. Sen. Boyer for the committee.

SEN. BOYER: This bill would provide that the witness requirement on deeds and mortgages would not be necessary any longer as it is a duplication where deeds and mortgages are already acknowledged. The committee recommends ought to pass.

Adopted. Ordered to third reading.

HB 819, changing the place for superior court records from a safe to a safe location. Ought to pass. Sen. Champagne for the committee.

SEN. CHAMPAGNE: The bill changes the requirements of keeping superior court records from keeping them in a safe, to a safe place. The committee recommends ought to pass.

Adopted. Ordered to third reading.

HB 757-FN, concerning the effective date of certain laws. Inexpedient to legislate. Sen. Chandler for the committee.

SEN. CHANDLER: This bill would tend to make certain types of criminal penalties laws become effective as of the following January 1. The committee, after hearing the testi-

mony, didn't consider that it was necessary to pass this type of bill and it didn't seem to be in the best interest of justice. The committee reported it inexpedient to legislate.

Adopted.

HB 643, relative to alternate justices serving on the review division of the superior court. Ought to pass. Sen. Champagne for the committee.

SEN. CHAMPAGNE: This bill is of a housekeeping nature only. It changes the membership of the superior court review division to provide that any judge upon appointment by the chairman can serve on that review division rather than the alternate that has been elected. On occasion the alternate is also disqualified and the whole process runs into a jam. This would provide that any superior court judge could serve on that division. We recommend ought to pass.

Adopted. Ordered to third reading.

HB 102, relative to the chemical analysis of substances seized as physical evidence in certain drug offenses and its use at trial. Ought to pass. Sen. Chandler for the committee.

SEN. CHANDLER: HB 102 introduced by Rep. MacDonald was amended considerably in the House. They cut out about three-quarters of the bill. If you look in the analysis you will see that it was the fourth paragraph that was retained. The fourth paragraph requires that reports of chemical analysis performed on physical evidence seized in support of prosecution under control drugs law be issued to persons so charged and make the report of such analysis prima facie evidence of the composition of such substances.

Adopted. Ordered to third reading.

HB 835, establishing a procedure for extinguishment of mineral rights. Ought to pass. Sen. Champagne for the committee.

SEN. CHAMPAGNE: This bill sets up a court procedure for extinguishing mineral rights. Right now under Supreme Court rule if there is a problem with a title a petition to require title is filed with the court. This petition to acquire title does not take care of the problem of mineral rights. It is my understanding that the court has refused to hear these and therefore new procedures are set up in the event that mineral rights are established on a piece of property and no one can find the owner of those rights. The committee recommendation is ought to pass.

Adopted. Ordered to third reading.

HB 832, eliminating the cause of action for alienation of affections of a spouse. Ought to pass. Sen. Chandler for the committee.

SEN. CHANDLER: This bill was introduced by Patty Blanchette in the House but she said that it had no personal affect on herself. The old law of suing someone for alienation of affection is kind of obsolete and it is pretty near out of date and unenforceable. So Mrs. Blanchette thought it should be wiped off the books. The committee out of Senatorial courtesy went along with her.

Adopted. Ordered to third reading.

HB 698-FN, reducing the number of persons serving on juries in civil cases to 6. Inexpedient to legislate. Sen. Boyer for the committee.

Sen. Boyer moved HB 698 be laid on the table.

Adopted.

HB 344-FN, providing that only prevailing parties may receive attorney fees in removal proceedings for state officials. Ought to pass. Sen. Champagne for the committee.

SEN. CHAMPAGNE: This bill restricts payment of attorney's fees in a proceeding to remove a public official to the prevailing party. It means that when an official is removed from an office for misconduct the state will not pay his legal ex-

penses. This bill was requested by the Attorney General's office supposedly to clean up the intent of a bill that was passed during the last session. The attorney fees would only be paid if the party prevailed.

Adopted. Ordered to third reading.

HB 597, removing statutory references to judicial imposition of solitary confinement at the state prison. Ought to pass. Sen. Chandler for the committee.

SEN. CHANDLER: This is a bill dealing with solitary confinement at the state prison. The warden came in and testified that he doesn't use solitary confinement any more and the rooms that they used to use for solitary confinement were like a dungeon. Those rooms have been ripped out and turned into a shower room or something. So they don't have any place and if a person needs to be segregated for his own personal safety they have a section where they can put them. So they don't use solitary confinement so they want to wipe it off the law books.

Adopted. Ordered to third reading.

HB 765, permitting court awarded costs and counsel fees in certain cases. Inexpedient to legislate. Sen. Chandler for the committee.

SEN. CHANDLER: This bill was a House bill that passed the House and we felt it was a little vague. It might be difficult to enforce when it says "to prove that the lawyer or the plaintiff did not act in good faith." It is a little bit hard to define what he meant by not in good faith, that might refer to some frivolous action. We felt that it was not a good bill and there was very little support, actually, so we reported it inexpedient to legislate.

Adopted.

HB 247, prohibiting full-time town, village district or school district employees from serving on the town budget committee. Ought to pass. Sen. Wiggins for the committee.

SEN. WIGGINS: We gave this bill a complete hearing. There was no testimony against it, all the testimony was for it. We recommend passage.

Adopted. Ordered to third reading.

HB 313, relative to municipal authority to adopt conflict of interest ordinances. Ought to pass. Sen. Podles for the committee.

SEN. PODLES: HB 313 will allow cities and towns specific authority to adopt conflict of interest ordinances for elected or appointed offices under action of their legislative bodies. Some municipalities have special problems with self-serving people getting on to public boards and commissions. This bill allows a community to raise whatever restriction it feels is appropriate to its needs. The bill was supported by the New Hampshire Municipal Association and there was no opposition to the bill. The committee recommends ought to pass.

Adopted. Ordered to third reading.

HB 739-FN, relative to Haverhill Corner precinct. Ought to pass. Sen. Podles for the committee.

SEN. PODLES: HB 739-FN simply amends the charter of the Haverhill Corner precinct, or Haverhill water district. This is to include libraries. They may if they wish, raise money for the Haverhill public library. The committee recommends ought to pass.

Adopted. Ordered to third reading.

HB 586-FN, relative to distribution of normal yield taxes in unorganized towns and unincorporated places. Ought to pass. Sen. Wiggins for the committee.

SEN. WIGGINS: It seems as though that up North there is a lot of land they never paid any taxes on, the only tax they got was on yield taxes. In order to get money enough to maintain the roads up in those unincorporated areas and things they want to tax the property as well as allotting the

yield taxes, to go to the counties that have to maintain the roads and the area, and the fire protection. We recommend passage of this bill.

Adopted. Ordered to third reading.

HB 592, relative to the issuance of short term obligations by public utilities. Ought to pass. Sen. Wiggins for the committee.

Sen. Wiggins moved to Recommit HB 592 to committee.
Adopted.

HB 744, extending a purpose for establishment of village districts and changing the time for the annual meeting. Ought to pass. Sen. Wiggins for the committee.

SEN. WIGGINS: We heard this bill and what we recommend is that it give time for the village districts to have their meetings and then the town can have their meeting so they will be able to pass a budget that will correlate with the district budgets. We urge passage.

Adopted. Ordered to third reading.

HB 657-FN, requiring that flood control lease receipts be distributed to towns. Ought to pass. Sen. Podles for the committee.

SEN. PODLES: HB 657-FN would require that monies received by the state from the United States Treasury for the lease receipts for the land leased for flood control purposes be distributed directly to the towns rather than the counties who in turn pay the towns. The bill eliminates the County Treasurers, it eliminates one layer of government which must process the payment. It does not in any way change the distribution formula. The committee urges passage of this bill.

Adopted. Ordered to third reading.

HB 661, amending certain sections in RSA 111 and 112 relative to the militia. Ought to pass. Sen. Podles for the committee.

SEN. PODLES: HB 661 is a housekeeping bill. It makes minor revisions, word changes, and merely updates the statutes. It is contingency legislation dealing with the state guard and is keeping with the federal law. The committee recommends ought to pass.

Adopted. Ordered to third reading.

HB 916, relative to the reclassification of a highway in the Town of Amherst. Ought to pass. Sen. Sanborn for the committee.

SEN. SANBORN: As you know, those of you who travel 101 west of Manchester, when you get to the town of Amherst, just this side by the Horace Greeley Restaurant, there is a new cut-off that cuts off Amherst and Milford. In the town of Milford from old Route 101 where it passes through the old village of Amherst, there was a section of road about 1-6/10 miles that led up through the village and had a route number, and now the state has no further use for that section of road. They have brought it up into top condition, resurfaced it and the town of Amherst is willing to take it over as a class V road. We recommend the passage of this bill allowing the town of Amherst to have their road back.

Adopted. Ordered to third reading.

HB 362-FN, simplifying the procedures for registering motor vehicles by designating certain municipal officials as agents. Ought to pass. Sen. Lamontagne for the committee.

SEN. LAMONTAGNE: This bill sets up a machinery where you can go to the town clerk or the city clerk and get your registration with an additional fee. This is set up for January 1, 1982. This is going to be on a trial basis for six months. This bill also takes care of the problem they are having with people who live outside the state but come to New Hampshire and become a tourist resident. They will be able to regis-

ter their car and at the same time the problem of a title to register will also be taken care of under this bill. There is an amendment that the committee has put on and the amendment comes from the Safety Department under the leadership of Mr. Sweeney. The purpose of the amendment is to take care of a problem, for example, if a person is blind and therefore has a handicapped plate, certainly he can't drive his car, someone else has to drive that car. What the amendment does is that it allows someone else to drive that car. The committee urges you to vote for this bill as it has been amended.

SEN. BROWN: According to the bill it is going to cost us \$1.50 for the state to make this out, is that correct?

SEN. LAMONTAGNE: That is the additional fee, yes.

SEN. BROWN: Is there any other way you can get it done without paying the \$1.50 at the local level?

SEN. LAMONTAGNE: Yes, you can go to the substation and you will not have to pay. I would like to add that the substations are not going to be abolished, they are still going to operate as they have in the past. If anyone doesn't want to pay the additional fee to the town clerk or the city clerk they can go to the substation as they have always done, and do not have to pay the additional fee.

SEN. BROWN: In order to go to the substation now and have it done, do you not have to go to the town clerk or the person in the town, to get the application and then go to the substation?

SEN. LAMONTAGNE: This you will have to do as you have in the past. You have to go to the city clerk or the town clerk and pay your town tax, then after you have paid your town tax you go to the substation. If you want to go by this bill you can pay the additional fee to the town clerk or the city clerk and you will get your tag for reregistration.

SEN. BROWN: My question is, when you go to the town clerk or the city clerk or whoever the governing body designates as the agent to make this out, you have to go their first, as you have agreed to, then you go to the substation, you presently pay a fee now, do you not, at the town?

SEN. LAMONTAGNE: Regardless of whatever, you still have to pay your town tax.

SEN. BROWN: My question is, do you still have to pay that fee that is presently there or do you pay the \$1.50 now?

SEN. LAMONTAGNE: You pay this fee only if you want this service from the city clerk or town clerk. You pay your tax and you pay the additional \$1.50 and you get your tags for your reregistration.

SEN. CHANDLER: On the fiscal impact it says that the bill will increase local revenues by \$45,000 in 1982, and \$90,000 in 1983. In doing this how will it increase local revenues?

SEN. LAMONTAGNE: Because the city clerk will be receiving that \$1.50.

SEN. CHANDLER: Does it go to the person or does it go to the town?

SEN. LAMONTAGNE: It goes to the town.

SEN. CHANDLER: The person doesn't get anything for doing it?

SEN. LAMONTAGNE: Nobody gets anything. It goes to the towns or cities.

SEN. CHANDLER: You mean the person at the highway department designates is going to do this for nothing?

SEN. LAMONTAGNE: The town clerks are being paid by the towns. The town clerk who is going to be doing this is an agent for the Motor Vehicle Department, he will be paid that fee and that fee will go to the town or the city.

SEN. CHANDLER: Also, it says an appropriation of \$85,000 in 1982 and \$108,000 in 1983, so we have to make an appropriation of \$85,000 and \$108,000. What is that appropriation for?

SEN. LAMONTAGNE: That is to pay for the tags and I assume some of the additional work.

SEN. SANBORN: There is a little confusion here on this bill. This is a convenience. Instead of going to the town clerk and paying your town tax and getting that part of it done, and then having to go to a registration station or send it in to Concord, or however you want to, to get your tags for your motor vehicle, you can do the whole thing at the town clerk's. You have to pay the town tax as you always did, you give him \$12 to register your car if your car is small enough and if you are using the convenience of getting everything done at the town clerk, you pay \$1.50 extra and they will have that little sticker that goes on the corner of your plate. That is all. They will not have plates. They will only have

those stickers in the years that you don't have to have a new plate. You can get the whole thing done right there at one time. The \$12 or whatever it is is sent on in to the Motor Vehicle Department, that they usually get, and the \$1.50 goes to the town and they also get their town tax. It is only a convenience. That is all it amounts to.

Adopted. Referred to Finance.

HB 78, updating obsolete motor vehicle laws and conforming N.H. motor vehicle laws to the Uniform Vehicle Code. Ought to pass with amendment. Sen. Mann for the committee.

SEN. MANN: We passed HB 100 not too long ago which is the recodification of the motor vehicle laws. This is the update. This updates the obsolete laws into the present motor vehicle thing. There is an amendment on page 31 of the Calendar and these things were suggested by the Department of Safety. One is if a disabled veteran happens to be blind it allows his spouse to drive his car on his plates, or if he is handicapped in any way she can drive the car on his plates. There was a gray area before in the law that he had to be the driver of the car. The committee reviewed the other things in the amendment and thought they were very reasonable. We would like to have you pass the bill as amended.

Amendment to HB 78

Amend RSA 262-A:38, I as inserted by section 8 of the bill by striking out same and inserting in place thereof the following:

I. No person shall stand on the travelled portion of a roadway for the purpose of soliciting a ride, employment, business or contributions from the occupant of any vehicle.

Amend RSA 265:40, I as inserted by section 38 of the bill by striking out same and inserting in place thereof the following:

I. No person shall stand on the travelled portion of a roadway for the purpose of soliciting a ride, employment, business or contributions from the occupant of any vehicle.

Amend the bill by striking out all after section 57 and inserting in place thereof the following:

58 Temporary Registrations. Amend RSA 260 by inserting after section 21-a the following new section:

260:21-b Temporary Registrations and Number Plates.

I. The director may issue a temporary registration certificate and temporary number plates to a new resident who is required to obtain a certificate of title in accordance with RSA 269-A upon payment of the appropriate registration and title fees as provided by RSA 262:1, and RSA 269-A:28 when the vehicle(s) have been previously registered in a foreign state and the title(s) are held by a foreign state lienholder. The temporary registration certificate and temporary number plates shall be valid for 30 days and shall not be renewed. A permanent registration certificate and permanent number plates shall be issued when the requirements of RSA 269-A have been met by the new resident.

II. The director may issue a temporary registration certificate and temporary number plates to any applicant for a permanent registration and permanent number plates upon payment of the appropriate registration fee as provided by RSA 262:1, when a computer system failure, inability to obtain permanent number plates or other emergency would prevent the issuance and recording of permanent registrations and permanent number plates. The temporary registrations and temporary number plates shall be valid for 30 days; provided, however, that the director may extend this period until such time as he is able to issue and record permanent registrations and permanent number plates to replace them.

III. The registration and title fees paid in accordance with paragraph I of this section shall not be refunded, except that the fees shall be deemed the fees for the permanent registration and certificate of title. Any registration fee paid shall be transferable credit on a replacement vehicle in accordance with RSA 260:19, and RSA 260:20.

IV. The temporary registration certificate and temporary number plate authorized by this section shall be of such design as the director shall deem appropriate; provided, however, that the registration certificate shall contain the information required by RSA 260:3.

V. The director shall adopt rules pursuant to RSA 541-A to administer this section.

59 Plates for Spouse of Person with Walking Disability. Amend RSA 260:18-a, I (supp) as inserted by 1957, 160:1 as amended by striking out said paragraph and inserting in place thereof the following:

I. The director shall design and issue, with approval of the commissioner of safety, special plates and shall make available such plates as an optional registration plate to be used on motor vehicles owned by a person with a walking disability when that person or the spouse of that person furnishes satisfactory proof of such disability to the director. Upon request and for a fee of \$1 per plate, the director shall exchange such special plates for regular plates currently issued to a person or the spouse of a person who qualifies for special plates. In lieu of special plates, a person or the spouse of a person who would qualify for such plates may upon request receive without charge a decal incorporating the international accessibility symbol. The size of the decal shall be the same size as the registration decal, and shall be placed on the lower right-hand corner of the number plate. The decal shall be valid for as long as the plate to which it is affixed shall be issued to the person or the spouse of the person with such disability, provided the disabling condition which necessitated it continues.

60 Temporary Registrations (Recodified). Amend RSA 261 by inserting after section 57 the following new section:

261:57-a Temporary Registrations and Number Plates.

I. The director may issue a temporary registration certificate and temporary number plates to a new resident who is required to obtain a certificate of title in accordance with RSA 261 upon payment of the appropriate registration and title fees as provided by RSA 261:141 and RSA 261:20 when the vehicle has been previously registered in a foreign state and the title is held by a foreign state lienholder. The temporary registration certificate and temporary number plates shall be valid for 30 days and shall not be renewed. A permanent registration certificate and permanent number plates shall be issued when the requirements of RSA 261 relative to certificate of title have been met by the new resident.

II. The director may issue a temporary registration certificate and temporary number plates to any applicant for a

permanent registration and permanent number plates upon payment of the appropriate registration fee as provided by RSA 261:141, when a computer system failure, inability to obtain permanent number plates or other emergency would prevent the issuance and recording of permanent registrations and permanent number plates. The temporary registrations and temporary number plates shall be valid for 30 days; provided, however, that the director may extend this period until such time as he is able to issue and record permanent registrations and permanent number plates to replace them.

III. The registration and title fees paid in accordance with paragraph I of this section shall not be refunded, except that the fees shall be deemed the fees for the permanent registration and certificate of title. Any registration fee paid shall be transferable credit on a replacement vehicle in accordance with RSA 261:66.

IV. The temporary registration certificate and temporary number plate authorized by this section shall be of such design as the director shall deem appropriate; provided, however, that the registration certificate shall contain the information required by RSA 261:58.

V. The director shall adopt rules pursuant to RSA 260:5 to administer this section.

61 Plates for Spouse of Person with Walking Disability (Recodified). Amend RSA 261:88, I as amended by striking out said paragraph and inserting in place thereof the following:

I. The director shall design and issue, with approval of the commissioner, special plates and shall make available such plates as an optional registration plate to be used on motor vehicles owned by a person with a walking disability when that person or the spouse of that person furnishes satisfactory proof of such disability to the director. Upon request and for a fee of \$1 per plate, the director shall exchange such special plates for regular plates currently issued to a person or the spouse of a person who qualifies for special plates. In lieu of special plates, a person or the spouse of a person who would qualify for such plates may upon request receive without charge a decal incorporating the international accessibility symbol. The size of the decal shall be the same size as the registration decal, and shall be placed on the lower right-hand corner of the number plate. The decal shall be valid for as

long as the plate to which it is affixed shall be issued to the person or the spouse of the person with such disability, provided the disabling condition which necessitated it continues.

62 Authority to Conform Laws Contingent on Passage of Recodification. If HB 100, "An Act to recodify the motor vehicle laws," is not enacted during the 1981 session of the general court, sections 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 38, 41, 42, 50, 56, 60 and 61 of this act shall not take effect and the director of legislative services, with the approval of speaker of the house and president of the senate, shall have the authority to make such changes in the printed version of sections 16, 25, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 39, 40, 43, 44, 45, 46, 47, 48, 49, 51, 52, 53, 54, 55 and 57 of this act as may be necessary for the purpose of conforming these sections to Title XXI of the Revised Statutes Annotated, providing that no substantive changes may thereby be made. Such authority shall expire upon the printing of the 1981 session laws.

63 Effective Date.

I. Sections 1-15, 58, 59 and 62 of this act shall take effect 60 days after its passage.

II. Sections 16-57, 60 and 61 of this act shall take effect January 1, 1982.

Amendment adopted. Ordered to third reading.

HB 33, repealing provisions of the highway laws relating to repair of town highways by county commissioners. Ought to pass with amendment. Sen. Lamontagne for the committee.

SEN. LAMONTAGNE: The House sent this bill here to repeal a 1900 law where the county commissioners would be between a town person who would go to the Board of Selectmen and complain about the road being muddy or full of holes, and if the town selectmen didn't do anything then before it went to court it would be referred to the county commissioners. The county commissioners would come and make a decision and then if the person wasn't satisfied the next step was to go to court. The county commissioners testified before the Transportation Committee and the committee felt they wanted to go along with the county commissioners not to repeal the law. Seeing that the law was not going to

be repealed I asked that Coos County be excluded from the law. The reason I asked that Coos County be excluded on refusing to repeal that law was because in the southern part of the state the county commissioners are on salary, up North the county commissioners are on call day to day and therefore do not meet every day. Coos County has more dirt roads off the highway and it could create a problem for the county commissioners because they don't meet every day. I have asked to exclude Coos County, so the southern part of the state will continue under the old law and Coos County will be exempt from it. Coos has no appropriations to do any repairs to any roads.

Amendment to HB 33

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to certain provisions of the highway
laws relating to repair of town highways by county
commissioners shall not apply to Coos county.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Section. Amend RSA 232 by inserting after section 39 the following new section:

232:39-a Coos County Exempted. The provisions of RSA 232:33, 34, 35, 36, 37, 38 and 39, shall not be applicable to Coos county.

2 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted. Ordered to third reading.

HOUSE MESSAGES

HOUSE REFERRED TO INTERIM STUDY

SB 200, authorizing a preliminary breath alcohol intoxication test.

SB 220, to authorize a Rockingham county personnel commission.

HOUSE NON-CONCURS

SB 107, relative to court ordered work programs.

SB 164-FN, relative to blood tests of pedestrian fatalities after a motor vehicle accident.

SB 191, relative to the termination of child support orders.

SB 274-FN, relative to the salary of the deputy clerk of the Nashua district court.

SB 97-FN, excluding golf carts from the vehicles taxed as personal property.

SB 123-FN, authorizing an assistant county attorney for Sullivan county.

SB 272-FN, concerning property tax exemptions for property equipped with alternative energy sources.

SB 155, establishing the rate of compensation to be received by police officers in the employ of private interests.

SB 270-FN, making certain revisions and adjustments in motor vehicle fees.

SB 293, relative to the definition of moped.

HOUSE CONCURS

SB 67, relative to the regulation of the sale of securities.

SB 69, increasing the interest rate of housing authority bonds.

SB 89, relative to Medicare coverage for preexisting condition.

SB 119-FN, relative to sunset review of the New Hampshire municipal bond bank.

SB 139, relative to deregulation of the interest charged on second mortgage home loans and rulemaking authority with regard to second mortgage home loans.

SB 166, relative to the state ceiling on the aggregate amount of qualified mortgage bonds issued during a calendar year.

SB 65, relative to borrowing for acquisition of agricultural land development rights.

SB 132-FN, relative to a trapping education program.

SB 161-FN, creating an automatic assignment of a town or county pauper's assets up to \$1,000 for funeral and burial expenses.

SB 127, establishing the boundary line between the city of Franklin and the town of Northfield.

SB 136, legalizing the proceedings establishing the village district of Eastman and authorizing the issuance of certain bonds of the district.

SB 185-FN, relative to a special election in Hooksett.

SB 202, relative to deputizing airport managers as law enforcement officers.

SB 230, removing the interest rate and other limitations on money borrowed by the city of Concord for its school district.

ENROLLED BILLS REPORT

HB 94, to exempt energy production projects from the municipal debt limit.

HB 824, setting a limit on the number of children permitted in foster care.

SB 144, naming the bridge on the road that connects state Routes 3 and 175 in the town of Thornton as the Thornton Memorial bridge.

SB 163, relative to the qualifications of the director of public health services.

SB 226, requiring financial disclosure by all members of the general court.

SB 292, naming the twin bridges over the Connecticut river on Interstate 93 between the town of Littleton, New Hampshire and Waterford, Vermont for Senator Andrew W. Poulsen.

HB 58, making several changes in the statutes relating to vital records and health statistics.

HB 106, concerning taxation by the town of Chesterfield of property within the Spofford fire precinct.

HB 257, granting the Lake Sunapee Protective Association the right to maintain 2 lighthouses on Lake Sunapee.

HB 403, relative to the confiscation of items used in connection with a felonious drug offense.

HB 488, renaming Mirror Lake outlet the Ernest B. Piper brook.

SB 46, relative to the regulation of lobbyists.

Sen. Lamontagne for the committee.

Sen. Brown moved that HB 112-FN be taken off the table.
Adopted.

HB 112-FN, relative to sunset review of the public utilities commission — administration and support.

Sen. Brown moved that HB 112-FN be recommitted to committee on Internal Affairs.
Adopted.

Sen. Brown moved that HB 116-FN be taken from the table.
Adopted.

HB 116-FN, relative to sunset review of legislative utility consumer's council.

Sen. Brown moved that HB 116-FN be recommitted to the committee on Internal Affairs.
Adopted.

ANNOUNCEMENTS

Sen. Brown moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills ordered to third reading be read a third time by this resolution and that all titles be the same as adopted, and that they be passed at the present time; and that when we adjourn, we adjourn until Thursday, May 21, 1981 at 1:00 p.m.

Adopted.

LATE SESSION

Third Reading and Final Passage

HB 627, revising the credit union laws.

HB 63, relative to boating, boat safety, boat inspectors and boat registration.

HB 64, concerning the tax year for property taxes.

HB 161-FN, relative to sunset review of the nurses registration board.

HB 123-FN, relative to sunset review of nursing scholarships, transferring the program to the post secondary education commission.

HB 229, concerning the naming of an agent to receive property tax bills.

HB 266-FN, creating a uniform fee system for town clerks in recording licenses for utility poles and wires.

HB 511-FN, relative to railroad tax payments.

HB 651-FN, concerning the prepayment of resident tax.

HB 666, enabling cities and towns to regulate certain activities on public property.

HB 949, legalizing the proceedings authorizing the issuance of certain bonds of the Meriden Village water district.

HB 25-FN, to permit the establishment of police commissions by town vote.

HB 312, increasing the number of signatures needed to nominate a candidate by nomination papers.

HB 270, relative to changing the date for submission of the Rockingham and Strafford county budgets.

HB 823-FN, relative to liens for town and county paupers' assistance.

HB 153-FN, relative to sunset review of human rights commission.

HB 141-FN, relative to the sunset review of the board of accountancy.

HB 691-FN, bringing unemployment compensation into conformity with federal requirements.

HB 560, relative to the maximum amount of life insurance a creditor may hold on the life of a debtor.

HB 813, relative to joint credit life insurance.

HB 555, relative to nonforfeiture benefits of life insurance policies, and reserve valuation standards for life insurance policies and annuity contracts.

HB 464, providing funding for development, testing, and implementation of the radiological emergency response plan.

HB 725-FN, concerning verification of eligibility for certain property tax exemptions.

HB 745-FN, establishing a legislative procedure for executive reorganization and authorizing certain state officials to prepare reorganization plans.

HB 444, recognizing July 13, 1835 as the date of incorporation of St. Paul's Episcopal Church of Concord.

HB 748-FN, relative to the court accreditation commission.

HB 752, relative to debtor exemptions and increasing the homestead right.

HB 756, relative to the attestation of deeds and mortgages.

HB 819, changing the place for superior court records from a safe to a safe location.

HB 643, relative to alternate justices serving on the review division of the superior court.

HB 102, relative to the chemical analysis of substances seized as physical evidence in certain drug offenses and its use at trial.

HB 835, establishing a procedure for extinguishment of mineral rights.

HB 832, eliminating the cause of action for alienation of affections of a spouse.

HB 344-FN, providing that only prevailing parties may receive attorney fees in removal proceedings for state officials.

HB 597, removing statutory references to judicial imposition of solitary confinement at the state prison.

HB 247, prohibiting full-time town, village district or school district employees from serving on the town budget committee.

HB 313, relative to municipal authority to adopt conflict of interest ordinances.

HB 739-FN, relative to Haverhill Corner precinct.

HB 586-FN, relative to distribution of normal yield taxes in unorganized towns and unincorporated places.

HB 744, extending a purpose for establishment of village districts and changing the time for the annual meeting.

HB 657-FN, requiring that flood control lease receipts be distributed to towns.

HB 661, amending certain sections in RSA 111 and 112 relative to the militia.

HB 916, relative to the reclassification of a highway in the town of Amherst.

HB 78, updating obsolete motor vehicle laws and conforming N.H. motor vehicle laws to the Uniform Vehicle Code.

HB 33, relative to certain provisions of the highway laws relating to repair of town highways by county commissioners shall not apply to Coos county.

Adopted.

RECONSIDERATION

Sen. Chandler served notice of reconsideration on HB 78.

Sen. Brown moved the Senate adjourn at 4:30 p.m.

Adopted.

Thursday, May 21, 1981

The Senate met at 1:00 p.m.

A quorum was present.

The prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

O Lord, help us in these troubled days and changing times to be able to discern the right from the wrong, the necessary from that which does not meet the immediate needs.

Help us always to be clear minded and vigilant, to be able to look ahead toward the end results in all of our doings and actions in this Chamber, for we are the servants and voices for all!

Amen

Senator Hough led the Pledge of Allegiance.

HOUSE MESSAGES

ENROLLED BILLS REPORTS

HB 391, an act relative to the investment of funds by co-operative banks, savings and loan associations and building and loan associations.

HB 715, an act relative to liquor licenses for first-class hotels.

HB 447, an act repealing RSA 657:11.

HB 442, an act allowing school districts to adopt an article or a line item for unanticipated funding.

HB 260, an act permitting school districts to establish revolving funds for construction projects as part of instruction in the building trades.

HB 88, an act prohibiting the removal of sand or vegetation from sand dunes in the town of Seabrook.

HB 751, an act relative to audits of financial institutions by the bank commissioner.

HB 737, an act authorizing accumulation of the income of institutional funds or the addition of such income to principal.

HB 443, an act relative to the bank directors' stock holdings.

SB 232, an act extending the study commission for an impact survey on the removal of advertising devices and the appropriation therefor.

SB 116, an act legalizing actions taken at the Sandown and Goffstown town meetings.

Sen. Lamontagne for the committee.

INTRODUCTION OF GUESTS

ENROLLED BILLS AMENDMENT

HB 936, an act establishing a resident super sportsman combination hunting and fishing license for an additional fee. Sen. Wiggins for the committee.

SEN. WIGGINS: This amendment corrects references to RSA sections, corrects a typographical error and makes 2 grammatical corrections.

Enrolled Bill Amendment to HB 936-FN

Amend section 1 of the bill by striking out lines 1-3 and inserting in place thereof the following:

1 Super Sportsman License. Amend RSA 214 by inserting after section 7-b the following new section:

214:7-c Super Sportsman License.

Amend RSA 214:7-c, IV(a) as inserted by section 1 of the bill by striking out line 5 and inserting in place thereof the following:

used only for wildlife management, and are hereby appropriated for said

Amend RSA 214:7-c IV(b) as inserted by section 1 of the bill by striking out line 5 and inserting in place thereof the following:

for fisheries, and are hereby appropriated for said purposes. Said funds

Amendment adopted.

HB 520-FN, an act authorizing cities and towns to close restaurants and other food serving establishment for health code violations. Sen. Wiggins for the committee.

SEN. WIGGINS: This amendment makes grammatical corrections.

Enrolled Bill Amendment to HB 520-FN

Amend RSA 31:39, I(c) as inserted by section 1 of the bill by striking out lines 1, 2 and 3 and inserting in place thereof the following:

(c) The observance of Memorial Day, whereby interference with and disturbance of the exercises for such observance, by processions, sports, games or other holiday exercises, may be prohibited;

Amend RSA 147:1, I as inserted by section 2 of the bill by striking out lines 5 and 6 and inserting in place thereof the following:

by the town clerk, and published in some newspaper printed in the town, or when copies thereof have been posted in 2 or more public places in the town.

Amendment adopted.

HB 433-FN, an act revising the tobacco tax laws. Sen. Wiggins for the committee.

SEN. WIGGINS: This amendment corrects a grammatical error and eliminates 2 redundant words.

Enrolled Bill Amendment to HB 433-FN

Amend RSA 78:10 as inserted by section 13 of the bill by striking out lines 9 and 10 and inserting in place thereof the following:

collected under this chapter, the funds necessary for redemption or refund.

Amend RSA 78:18-a as inserted by section 22 of the bill by striking out line 2 and inserting in place thereof the following:

RSA 78:18, the commissioner or his agent determines that there is a

Amendment adopted.

HOUSE REQUESTS CONCURRENCE IN AMENDMENTS

SB 115, permitting cities and towns to make bylaws relative to the operation of pinball machines.

Sen. Podles moved concurrence.
Adopted.

SB 171, allowing Plaistow to vote on certain petitioned zoning ordinances at a special town meeting.

Sen. Brown moved concurrence.
Adopted.

SB 92-FN, changing the qualifying dates of service for the veterans' exemption.

Sen. Conley moved concurrence.
Adopted.

COMMITTEE REPORTS

HB 281, relative to sunset review of the barbers board. Inexpedient to legislate. Sen. Conley for the committee.

SEN. CONLEY: This was a bill that was sent over to us by the House as inexpedient to legislate. The committee concurs with the House findings.

Adopted.

HB 282, relative to sunset review of the cosmetology board. Inexpedient to legislate. Sen. Conley for the committee.

SEN. CONLEY: This was another one where we concur with the findings of the House that this bill should be inexpedient to legislate.

Adopted.

HB 146, relative to sunset review of the barbers board. Inexpedient to legislate. Sen. Conley for the committee.

SEN. CONLEY: This is another bill that was sent over to us by the House. The committee recommends inexpedient. I might say that all of these will be joined together on HB 147 which we will hear at a later date.

Adopted.

HB 258, providing for an adjusted elderly exemption from property taxes by local option. Ought to pass with amendment. Sen. Stabile for the committee.

SEN. STABILE: This bill we found to be a very interesting bill. It increases the amount of exemption under the expanded elderly exemption to \$10,000 for a person of 65 years of age up to 75 years, and from \$15,000 for a person 75 up to 80 years of age. The bill would also increase the net income at limitation to \$10,000 for a single person and \$12,000 for a married couple. It would remove the taxpayer's residence from the assets counted in deciding if the person qualifies

for the property tax expended elderly exemption. The amount of the other assets which the person may hold and still qualify is set at \$30,000, which is a drop. It also updates the language in the section describing how the extended elderly exemption is adopted without changing the meanings. Towns and cities which have previously adopted expanded elderly exemption programs must hold a referendum on the new amount in assets, limitations, provisions, within one year of the act's effective date. There was an amendment put on this bill which you can find in the Calendar. The amendment, in essence, accomplishes three things. The first thing it accomplished was that a town shall have a warrant for a referendum, but a city, if it has a legislative body such as a board of aldermen, may, if they wish, have the board of aldermen decide if they would enact on this particular concept. If it is passed it would be effective back to April 1, 1981. If it was not passed it would go back to whatever the town or city had in effect prior to this piece of legislation. The third area the amendment addresses is it defines residences, whereas someone could have a residence with fifty acres, they are taking a residence with two adjoining acres. The committee recommends that this piece of legislation ought to pass.

Amendment to HB 258-FN

Amend RSA 72:43-e, I(a) as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

(a) In a town, the question shall be placed on the warrant of a special or annual town meeting under the procedures set out in RSA 39:3, and shall be voted on by ballot. In a city, the legislative body may consider and act upon the question in accordance with their normal procedures for passage of resolutions, ordinances and other legislation. The legislative body of a city may vote to place the question on the official ballot for any regular municipal election, or, in the alternative, shall place the question on the official ballot for any regular municipal election upon submission to the legislative body of a petition signed by 5 percent of the registered voters.

Amend RSA 72:43-e, II as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

II. If a majority of those voting on the question vote "Yes", RSA 72:43-f shall apply within the town or city on the date set by the town selectmen or city council; provided, however, that upon adoption the provisions of RSA 72:43-f shall in no event apply earlier than April 1, 1981, and no later than the next April 1 following approval of the question.

Amend RSA 72:43-e, IV as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

IV. If the question is not approved, the amount of the exemption and the income and asset limitation provisions previously adopted by the town or city shall remain in effect. The question may later be voted upon according to the provisions of RSA 74:43-e, I.

Amend RSA 72:43-g, III as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

III. Owns net assets of \$30,000 or less, excluding the value of the person's actual residence, excluding appurtenant and unattached structures and the land upon which it is located up to the greater of 2 acres of the minimum single family residential lot size specified in the local zoning ordinance. "Net assets" means the value of all assets, tangible and intangible, minus the value of any good faith encumbrances. "Residence" means the housing unit which is the person's principal home, and which he in good faith regards as his home to the exclusion of any other places where he may temporarily live.

Amendment adopted. Ordered to third reading.

HB 428, relative to the discharge and removal of employees from departments of county government. Interim Study. Sen. Conley for the committee.

SEN. CONLEY: This bill had a long and well-attended hearing. The proponents and opponents were clearly split. It is needed legislation to clarify a very confused situation at this point in time, however, because of the confusion and because of some very definite errors in the drafting and explanation of some of the material in the bill, we are recommending that it be sent to interim study. And Mr. President, it will be studied.

Adopted.

HB 543, relative to documents received by the register of deeds. Ought to pass. Sen. Stabile for the committee.

SEN. STABILE: This bill requires the register of deeds to return all documents received from the tax collector to the tax collector within 30 days. It was simply a housekeeping measure and the committee recommends ought to pass.

Adopted. Ordered to third reading.

HB 852, relative to membership on the New Hampshire veterans' home board of managers. Ought to pass with amendment. Sen. Stabile for the committee.

SEN. STABILE: This bill provides that one of the appointed members of the board of managers of the New Hampshire veterans' home shall be a member of the American Legion, the Veterans of Foreign Wars Auxiliary, the Disabled Americans Veterans Auxiliary, or the Veterans of World War I of the USA Auxiliary. Under the bill the appointed auxiliary members must serve a two-year term on a rotating basis from among the organizations. There was an amendment put on this bill which included in the group that we just mentioned above, the Civil War Auxiliary and the Women's Relief Corps. The committee recommended ought to pass.

Amendment to HB 852

Amend the bill by striking out section one and inserting in place thereof the following:

1 Veterans' Home Board of Managers; Members of Auxiliaries. Amend RSA 119:2 as amended by striking out said section and inserting in place thereof the following:

119:2 Board of Managers. The government of the home is vested in the board of managers of the New Hampshire veterans' home. The board shall consist of the commanders of the veterans' departments of New Hampshire ex officiis, the American Legion, the Veterans of Foreign Wars, the Disabled American Veterans, the Veterans of World War I of the U.S.A., Inc., and 5 citizens of the state to be appointed by the governor with the advice and consent of the council. At least 4 of the appointed citizens must have served in the armed forces of the United States in any war in which the United States has been, is, or shall be engaged, and who are, or shall be, honorably discharged or separated from the armed forces under conditions other than dishonorable; and provided further that one appointee shall be a member in good standing of the department of the American Legion, one of the department of the Veterans of Foreign Wars, one of the department of the Disabled American Veterans and one of the department of the Veterans of World War I of the U.S.A., Inc. The fifth appointee shall be a woman member in good standing of the department of the American Legion Auxiliary, the department of the Veterans of Foreign Wars Auxiliary, the department of the Disabled American Veterans Auxiliary, the department of the Veterans of World War I of the U.S.A., Inc. Auxiliary, the Sons of Union Veterans of the Civil War Auxility and the Woman's Relief Corps. The first appointed member of an auxiliary organization shall begin serving a 2 year term on the date upon which the current 5 year term of an appointed citizen member expires. The appointment of a member from an auxiliary organization shall be rotated in the order in which they are listed and each appointed member shall hold office for a 2 year term. The other appointed members shall hold office for a term of 5 years and until a successor is appointed and qualified. In case of any vacancy on the board an appointment shall be made in the same manner for the unexpired term.

Amendment adopted. Ordered to third reading.

HB 767-FN, transferring jurisdiction of the state hospital farm from the department of resources and economic development to the NH State Prison. Inexpedient to legislate. Sen. Roy for the committee.

SEN. ROY: The transferring of jurisdiction of the state hospital farm from the department of resources and economic development to the State Prison has indeed been done without the need for legislation. So we find this inexpedient to legislate.

Adopted.

HB 147-FN, relative to the sunset review of the cosmetology and barbers board. Ought to pass with amendment. Sen. Conley for the committee.

SEN. CONLEY: We found that this bill should have had another hearing in the Senate which we went along with, as it came over from the House. We have amended it in about three sections, changing some of the definitions on barbering, changing the restructuring of the board, and changing some of the exemptions which were allowed in the current bill. This is an attempt by the House and Senate committees to join together two boards which have basically had the same executive secretary and some of the other personnel. We feel that this is a good move under the circumstances and we ask that you accept this with the current amendment that we have put on it and send it back to the House for concurrence.

Amendment to HB 147-FN

Amend RSA 313-A:1, II as inserted by section 1 of the bill and inserting in place thereof the following:

II. "Barbering" means:

(a) Shaving or trimming the beard or cutting or bobbing the hair;

(b) Giving facial or scalp massages or treatment with oils, creams, lotions, or other preparations, either by hand or mechanical appliances;

(c) Singeing, shampooing, arranging, dressing, or dyeing the hair or applying hair tonics;

(d) Applying cosmetic preparations, antiseptics, powders, oils, clays, or lotions to scalp, face, or neck, or removing superfluous hair from the face or neck of any person; or

(e) Styling, waving, curling, straightening or bleaching the hair by mechanical or chemical means.

Amend RSA 313-A:2 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

313-A:2 Board.

I. There shall be a board of barbering and cosmetology consisting of 7 members; including 3 licensed barbers, 3 licensed cosmetologists, and one public member, each to be appointed by the governor, with the approval of the council, to a term of 5 years. No member of the board shall be appointed to more than 2 consecutive terms. Only board members provided for in this paragraph shall have the authority to vote in board determinations.

II. Professional members of the board shall have been engaged in the practice of their profession within the state for not less than 5 years.

III. The public member shall be a person who is not, and never was, a member of the barbering or cosmetology profession or the spouse of any such person, and who does not and never has had, a material financial interest in either the provision of barbering or cosmetology services or an activity directly related to such professions, including the representation of the board or profession for a fee at any time during the 5 years preceding appointment.

IV. Members shall annually elect, from among themselves, a chairman and secretary.

Amend RSA 313-A:23 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

313-A:23 Exemptions.

I. The provisions of this chapter relative to barbering shall not be construed to apply to the following persons:

(a) Physicians and surgeons licensed under RSA 329 when engaged in the practice of their profession;

(b) Chiropractors licensed under RSA 316 when engaged in the practice of their profession;

(c) Commissioned medical or surgical officers of the United States army, navy, or marine hospital service;

(d) Registered and practical nurses licensed under RSA 326-B;

(e) Licensed cosmetologists under this chapter;

(f) Persons engaged in the practice of barbering in public or private institutions where such practice is carried on solely for the benefit of such institution;

(g) Morticians licensed under RSA 325 when engaged in the practice of their profession; or

(h) Persons conducting programs for barbering demonstration sponsored by a recognized barber organization.

II. The provisions of this chapter relative to cosmetology shall not be construed to apply to the following persons:

(a) Licensed barbers engaged in their usual occupation;

(b) Persons engaged in behalf of a manufacturer or distributor solely in demonstrating the use of any machine or other article for purposes of sale, without charge to the person who is the subject of such demonstration;

(c) Persons engaged in the practice of cosmetology in a charitable or benevolent institution, where such practice is carried on solely for the benefit of the residents of such institution; or

(d) Persons conducting programs for cosmetological demonstration sponsored by a recognized cosmetological organization.

Amend the bill by striking out section 7 and renumbering sections 8-10 to read as 7, 8, and 9 respectively.

Amendment adopted. Ordered to third reading.

HB 670-FN, establishing a committee to study municipal fiscal matters. Ought to pass with amendment. Sen. Rice for the committee.

SEN. RICE: HB 670-FN ought to pass with amendment. The bill itself establishes a committee to study municipal fiscal matters. The cost in that, if you look at the footnote, is very minimal. There would really be no fiscal impact on the state. The House and Senate members of that committee would

receive mileage for meetings held. The critical part of this are the amendments that are offered. There are two amendments that are going to affect a number of municipalities. Historically municipalities that are going on a bond issue for specific projects, if they have had to borrow money in a short term prior to the issue of a bond, that principle and interest has been included in the bonding. There is apparently an interpretation now that that can no longer exist. There is a firm in Boston that has recommended that those laws be changed. Those laws are going to be. There are some communities that are affected by that right now and this bill, if passed, would give assistance to those communities. It was the committee's unanimous recommendation that this ought to pass as amended.

Amendment to HB 670-FN

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

establishing a committee to study municipal
fiscal matters and relating to certain
loans issued by municipalities.

Amend the bill by striking out section 4 and inserting in place thereof the following:

4 Bond Proceeds. Amend RSA 33:3-a as inserted by 1963, 151:1 by striking out said section and inserting in place thereof the following:

33:3-a Use of Bond Proceeds.

I. The proceeds of any sale of bonds or notes shall be used only for the purposes for which the loan was incurred except as otherwise authorized by this section; provided, however, that any premium received shall not be used to increase the amount to be spent for the purpose for which the loan was originally incurred. The purposes for which the loan was incurred may include the payment of principal of and interest on any temporary indebtedness incurred under RSA 33:7-a and

interest on any temporary indebtedness incurred under RSA 33:7-b.

II. If after notes or bonds have been issued and no expenditure of the proceeds has been made for the purpose or purposes for which the debt was incurred, or if a balance remains after the completion of the project or projects for which the debt was authorized, a city by a vote of 2/3 of the city council or a town, school district or village district by a vote of 2/3 of the voters present and voting at an annual meeting, and a county by a 2/3 vote of all the members of the county convention may authorize the expenditure of the sum or sums on hand, including any premiums received, for any purpose or purposes for which bonds or serial notes may be issued for an equal or longer period of time at any time which said sum or any portion thereof remains available; provided, however, that if the sum obtained by issuance of bonds or notes, as aforesaid, or any balance thereof, including any premium, is not appropriated as aforesaid, then the same shall be used to pay the principal of the loan as it matures.

III. Notwithstanding the provisions hereof, no appropriation for a loan or balance thereof shall be made which will increase the amount available from borrowed money for any purpose to an amount in excess of any limit imposed by general law or special act for such purpose.

5 Authorization. At any time prior to June 30, 1983, any municipality that has issued temporary notes pursuant to RSA 33:7-a may renew or pay such notes from time to time by the issue of other notes, provided that the period from the date of original note to the maturity of any note issued to renew or pay the same debt shall not exceed 3 years. Except as otherwise provided in RSA 33:7-a, the provisions of RSA 33:7-a shall apply to temporary notes issued under this act.

6 Effective Date. This act shall take effect upon its passage.

Amendment adopted. Ordered to third reading.

CACR 5, Relating to: The term of governor. Providing that: the term shall be 4 years. Ought to pass. Sen. Rice for the committee.

SEN. RICE: This bill, CACR 5, calls for a four-year term for the governor. The last time that this issue came before

the voters was approximately 10 years ago, and it received a 61% favorable vote. The majority of the people that testified before this committee, testified in favor of a four-year term for governor. There were one or two individuals who were opposed to a four-year term of governor. I believe that there are only three states currently in the United States that do not have a four-year term for governor. This resolution, if passed by the citizens of New Hampshire, would limit the term to two terms. If we look back in recent history of this state, I think that you will find that each governor that has served, has served for at least two terms, possibly three. Two two-year terms would be the same as one four-year term. The first person to testify was Joe Eaton, who is the Chairman of the Constitutional Committee in the House. I first met Joe Eaton way back during the Constitutional Convention in 1974. I don't know of any member of the House or Senate that holds the Constitution of New Hampshire more precious or more dear than Joe Eaton does. I don't know of anyone who is more conservative in keeping the Constitution as close to what our founding fathers recommended. I think that he testified in favor of the bill recognizing the wisdom in this day and age, or extending the term of governor to four years. There is no question that for a first term governor under a two-year term, that obviously the first number of months in office are spent becoming acquainted with the state, becoming acquainted with department heads, becoming acquainted with the problems and the issues affecting the state. Regardless of whether that governor is a Democrat or a Republican, I think that all of us recognize that toward the end of his term of office substantial amount of time is spent running for re-election to a second term. I think that looking at continuity, consistency of government today in New Hampshire would dictate that you vote in favor of Constitutional amendment concurrent resolution No. 5. I strongly urge your support in this vote. The committee was unanimous in its recommendation of ought to pass.

SEN. CHANDLER: Two brief questions. One, there is no way, if it passes, that it would affect the present incumbent, is there?

SEN. RICE: No sir.

SEN. CHANDLER: My second question is, did the committee give any consideration to the possibility of including the governor's council in this, too?

SEN. RICE: No. It would not affect the current governor. If it was passed by the voters in the referendum it would become effective in 1984. In answer to your second question, even Rep. Eaton was opposed to changing the governor's council. That had been discussed and he felt that by keeping that as a two-year term that that still provides some checks and balances for a governor. As a matter of fact, under a four-year term of governor there may be even more merit for having a council that was re-elected every two years.

SEN. SPLAINE: I've thought about this issue in the last 12 years that I have been involved in the legislature. In the past I have opposed it and I stand here today voicing the same position. I think there is some merit, whenever you are talking about a four-year term. I think though that reform can be looked at in two different ways. One you can say that there is more merit in a four-year term than a two, but you can also say that there is more merit in a two-year term than a four. I can see that we could be here today if we did have a four-year term for governor, supporting an issue to bring reform to the state, which would be a two-year term for governor. Based on some of what government does, some of the democratic processes which we are supposed to be following that government doesn't always follow, I think that the benefits of a two-year term far outweigh those of a four. Consider this, we are talking about giving most people who are governor, that office for a total of eight years. Very often somebody who is going to be serving one term is going to be serving a second term. We haven't had a governor, at least to my knowledge, in New Hampshire for eight years yet. We have had a governor in the past for three terms for a total of six years, but here we are talking about giving most people who are going to be holding that position of governorship, a total of eight years. That is going to leave more than an imprint on that office. That is going to leave a bureaucracy that the next candidate, the next person who serves as governor, is going to find that much more difficultly in instituting changes, and very often changes are needed. I think that is supposed to be the key word of what the concept of democracy is all about, change. If the public

wants a change they have the opportunity to make that kind of a change. Currently, by having a two-year term for governor, we allow the public to have that opportunity at least every two years, and more than likely, the governor himself or herself will be changed in four to six years. I think that is fine. I don't see any problems in allowing for that kind of a change. I think one of the best purposes of democracy is freshness. We allow a new person to be governor after four or six years. We give the public a chance to make a change after two years. Consequently we do have that kind of change, that kind of freshness every now and then. I think that that is much more beneficial than allowing somebody to be there for a total of eight years. Finally and in conclusion, I think that there is one reason for keeping a two-year term which is more important than any of the others, and that is, I can't see any way that the cost for running for governor for a four-year term is going to be any less than running for a two-year term, but I do see the costs are consequently going to be considerably higher when you only have one shot every four years and more than likely one shot every eight years because a number of people will be re-elected after four years. The people who are contributing to candidates for governor, those people who might be independently wealthy as well and would like to run for governor, they are going to go all out, they are going to spend as much as they are going to be allowed to under law, and perhaps a little more, in order to get elected for governor. Currently when it is a two-year term we have several candidates running, not always spending up to the limit. I think that we saw a gubernatorial campaign last year where we had two candidates spending roughly \$1 million between them. I think that that was way too much. But I would really not like to see a situation starting in a couple of years where we see candidates for governor spending considerably more than that to get elected because they are not going, and their party is not going to have another chance at that office for the next four years. I think the cost factor is overwhelming and on that basis there is justification in voting this down.

SEN. SANBORN: Did you understand Sen. Rice when he was testifying on this bill, that the number of states that had two year and the number of states that had four years?

SEN. SPLAINE: I realize that there are a lot more states that have a four-year term than there are that have two-year terms for governor. There are also a lot more states that happen to have a broad-based tax than don't have a broad-based tax. I don't think we can justify any piece of legislation based on what other states have.

SEN. SANBORN: The states that have gone to four-year terms for governor, how many of them have changed back to two-year because they have found the four-year term a problem?

SEN. SPLAINE: I didn't make that kind of a survey. I would certainly suggest that after having the four-year term for governor it is a lot more difficult to revert back because you have the automatic lobbying of the governor's office. Once you are there for a couple of years you get to like to be able to stay there for another two years. There has been a big effort on the part of Congress, of a number of Congressmen, to expand the term for being in the United States Congress for four years or six years, and I don't think that is right either.

SEN. SANBORN: I'm not looking for a survey. I said did you know of any, off-hand, any state that has gone back to a two-year governor?

SEN. SPLAINE: I can't think of any.

SEN. RICE: Sen. Splaine, you indicate that the high propensity of being re-elected at the end of a four-year term implies that governors in New Hampshire will end up serving eight years. My first question is, looking back at the Presidency, which certainly has more power, more prestige, than probably New Hampshire's governor does, what has happened to the last two Presidents of the United States? Were they successful in becoming re-elected?

SEN. SPLAINE: No, and in order to make sure that they weren't re-elected we saw campaigns spending in excess of, one time \$50 million, and the other time at least in excess of \$34 million, that I know of. In other words, it is an expensive thing but you get out there, you spend your bucks, to try to make sure that the guy isn't going to be there for the next four years because you want to have your shot and you know that you are not going to have another shot. That is all I'm saying.

SEN. RICE: How many governors in New Hampshire history, or at least in recent history, can you name that have not served probably four years or more and have gone through campaigns every two years? Restating the question, do you know of any governor in recent history that has not been re-elected to at least a second term, thereby serving a total of four years?

SEN. SPLAINE: No, not going back to Powell, previous to Powell, including Powell, I think every governor has been re-elected at least once. I think that supports my argument and my argument is that a governor will be re-elected to a second term, consequently under this would serve for a total of eight years.

SEN. RICE: How many governors in recent history have served three terms or a period of time in excess of four years?

SEN. SPLAINE: Two I believe, Governor King and Governor Thomson. And I think that justifies my argument also that a governor will normally be re-elected. If we put a limit of eight years, okay, a governor is going to be there for eight years, but if we put a limit of eight years on a four-year term a governor is going to be there for eight years.

Roll Call Required:

The following Senators voted yes: Lamontagne, Conley, Freese, Hough, Bergeron, Chandler, Wiggins, Blaisdell, Mann, Stabile, Boyer, Kelly, Rice, Podles, Sanborn, Stephen, Brown, Champagne, Lessard, and Roy.

The following Senators voted no: Monier, Preston, and Splaine.

20 yeas 3 nays

Adopted. Ordered to third reading.

Senator Kelly spoke under Rule 44.

SEN. KELLY: I rise for the sad task of noting the passing of an outstanding individual in the New Hampshire farm scene, a writer and a friend. Yesterday New Hampshire lost Fred Bean, former editor of the farm page with the Union Leader and the New Hampshire Sunday News for many years. Those of us who knew Fred often referred to him as "one-shot Bean" because of a practice of taking a single picture at a function

with an old camera that somehow always would produce good results. This Senator as a youngster in 4-H and FAA, and later as an International Farm Youth Exchange student in Poland, had many chances to meet and work with Fred. I had the chance to be featured on his farm page and because of it, encouraged to be an active participant, not only in agricultural things but I suspect that in some way it lead me to my present position in the Senate. Over a period of 30 years we became good friends. His ability to put the human touch to his stories and to champion young people in their efforts, will be remembered, I'm sure, by many. I am also sure that the New Hampshire farm community joins me in noting the sadness of the passing of this man, but also in the happiness of knowing that he touched many of us in such a positive way. If men are to be remembered for good deeds, then the memory of Fred Bean will last a long, long time.

Sen. Brown moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills ordered to third reading be read a third time by this resolution and that all titles be the same as adopted, and that they be passed at the present time; and that when we adjourn, we adjourn until Tuesday, May 26, 1981 at 1:00 p.m.

Adopted.

LATE SESSION

Third Reading and Final Passage

CACR 5, Relating to: The term of governor. Providing that: the term shall be 4 years.

The following Senators voted yes: Lamontagne, Conley, Freese, Hough, Bergeron, Chandler, Wiggins, Blaisdell, Mann, Stabile, Boyer, Kelly, Rice, Podles, Sanborn, Stephen, Brown, Champagne, Lessard, and Roy.

The following Senators voted no: Monier, Preston, and Splaine.

20 yeas 3 nays

Adopted.

HB 258, providing for an adjusted elderly exemption from property taxes by local option.

HB 543, relative to documents received by the register of deeds.

HB 852, relative to membership on the New Hampshire veterans' home board of managers.

HB 147-FN, relative to the sunset review of the cosmetology and barbers board.

HB 670-FN, establishing a committee to study municipal fiscal matters and relating to certain loans issued by municipalities.

Adopted.

Sen. Bergeron moved to adjourn at 2:15 p.m.

Adopted.

Tuesday, May 26, 1981

The Senate met at 1:00 p.m.

A quorum was present.

The prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

We call upon you Lord, to guide us through the cares of this world as we memorialize all those whom have given their lives for their country in the cause for freedom and peace.

We also pay tribute on Memorial Day to the deceased members of our family and friends for their good examples and deeds which they have performed and the lasting memories and joys which they have left us as a lasting heritage!

We pray that their souls and the souls of all the faithful departed may rest in peace.

Amen

Senator Splaine led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

HOUSE MESSAGES

HOUSE CONCURS

SB 268-FN, relative to retaining a percentage of money due contractors on state contracts.

SB 169, providing that motor vehicle accident reports and certificates concerning the filing of accident reports are not admissible in most criminal trials resulting from the accident reported.

SB 301, requiring standard notice requirements for reductions in coverage in all fire, liability, and motor vehicle liability insurance policies.

SB 113, relative to Mascoma Valley regional school district school board.

SB 167, extending the degree granting authority of Daniel Webster College.

SB 265, relative to the New Hampshire incentive program.

SCR 7, urging Congress to fully reimburse federally mandated state expenditures for special education.

SB 134, relative to summary judgments.

CACR 6, relating to the right to bear arms. Providing that all persons have the right to bear arms in defense of self, family, property and the state.

SB 110, allowing insurers to offset unpaid premiums from amounts owned on claims.

SB 229, relative to domestic mutual fire or casualty insurance companies not qualified to issue nonassessable policies.

HOUSE CONCURS IN AMENDMENTS

HB 283, relative to the support and custody of children.

HB 825, relative to the termination of parental rights.

HB 890, relative to nursing homes.

HB 526-FN, relative to the fee for a nonresident trappers license.

HB 768-FN, adopting the NH/VT interstate solid waste compact.

HB 367, relative to the entertainment provided by certain first class ballrooms with liquor licenses.

HOUSE NON-CONCURS

SB 18, ensuring official representatives of the state and United States armed services access to high school and college campuses.

SB 49, relative to sentences for the felonious use of firearms.

SB 159, prohibiting television coverage in any courtroom.

HOUSE REQUESTS CONCURRENCE IN AMENDMENTS

SCR 3, requesting the state board of education to name a wing of the New Hampshire Vocational Technical College in Nashua after Senator D. Alan Rock.

Sen. Kelly moved Concurrence.

Adopted.

SCR 4, requesting the state board of education to name a wing of the New Hampshire Vocational Technical College in Berlin after Representative Guy J. Fortier.

Sen. Kelly moved Concurrence.

Adopted.

SB 84, relative to the acquisition of substitute recreation land.

Sen. Wiggins moved Concurrence.

Adopted.

SCR 8, requesting the commissioner of resources and economic development to name the Nansen Ski Jump after Alf Halverson.

Sen. Wiggins moved Concurrence.

Adopted.

HOUSE NON-CONCURS
REQUESTS A COMMITTEE OF CONFERENCE

HB 491-FN, creating a uniform interest rate penalty for the late filing of tax returns.

The Speaker has appointed Reps. Scamman, Aeschliman, Wiggin and Shurtleff.

Sen. Blaisdell moved to accede to the request.
Adopted.

The Chair appoints Senators Blaisdell, Bergeron and Chandler.

HOUSE REQUESTS CONCURRENCE IN AMENDMENT

SB 93, extending the time period in which a sentence may be suspended.

Sen. Champagne moved to nonconcur and requests a committee of conference.

Adopted.

The Chair appointed Senators Champagne, Chandler and Boyer.

ENROLLED BILLS AMENDMENT

SB 23, relative to the definition of bicycle path or trail.
Sen. Wiggins for the committee.

SEN. WIGGINS: This amendment corrects the RSA references to make the citations compatible with those of Senate Bill 11, the highway recodification bill.

Enrolled Bill Amendment to SB 23

Amend section 1 of the bill by striking out line 1 and inserting in place thereof the following:

1 Definition. Amend RSA 230:74, II (supp) as inserted by 1981, 87:1

Amend section 2 of the bill by striking out lines 1 and 2 and inserting in place thereof the following:

2 Path or Trail. Amend RSA 230:74, IV (supp) as inserted by 1981, 87:1 by striking out said paragraph and inserting in place thereof the

Amend section 3 of the bill by striking out lines 1 and 2 and inserting in place thereof the following:

3 Powers and Duties of Commissioner. Amend RSA 230:75, I (supp) as inserted by 1981, 87:1 by striking out said paragraph and inserting in

Amend section 4 of the bill by striking out lines 1 and 2 and inserting in place thereof the following:

4 Minimum Warrants. Amend RSA 230:75, IV(b) (supp) as inserted by 1981, 87:1 by striking out said subparagraph and inserting in place

Amend section 5 of the bill by striking out line 1 and inserting in place thereof the following:

5 Construction. Amend RSA 230:75, X (supp) as inserted by 1981, 87:1

Amend section 6 of the bill by striking out lines 1-3 and inserting in place thereof the following:

6 Bicycle Paths or Trails. Amend RSA 230:77 (supp) as inserted by 1981, 87:1 by striking out said section and inserting in place thereof the following:

230:77 Bicycle Highways. The department of public works and highways

Amend RSA 12-B:4 as inserted by section 7 of the bill by striking out line 5 and inserting in place thereof the following:

paths or trails as defined by RSA 230:74, IV. He shall consult with the

Amendment adopted.

SB 188, an act relative to work release at the state prison. Sen. Wiggins for the committee.

SEN. WIGGINS: This amendment corrects the amending language in section 2 of the bill.

Enrolled Bill Amendment to SB 188

Amend Section 2 of the bill by striking out line 3 and inserting in place thereof the following:

paragraph and inserting in place thereof the following:

Amendment adopted.

HB 900, an act relative to regulation of small loans. Sen. Wiggins for the committee.

SEN. WIGGINS: This amendment corrects the technical amending language of HB 900.

Enrolled Bill Amendment to HB 900

Amend section 9 of the bill by striking out lines 2, 3, and 4 and inserting in place thereof the following:

as amended by striking out said section and inserting in place thereof the following:

Amendment adopted.

COMMITTEE REPORTS

HB 658, prohibiting the use of live animals as prizes. Inexpedient to legislate. Sen. Freese for the committee.

SEN. FREESE: This bill prohibits the use of any live animal as a prize in a lottery raffle, auction, or game of chance or skill. We had a short hearing on the bill with testimony. During the executive session it was unanimous that the committee felt that we shouldn't spoil the pleasure of young people winning a pony or a dog and that there should be better ways

to accomplish this goal. We are recommending this bill inexpedient to legislate. We hope you will go along with the committee.

Adopted.

HB 764-FN, exempting certain ski area machinery and equipment from taxation as real property. Ought to pass. Sen. Wiggins for the committee.

SEN. WIGGINS: We repealed the stock and trade tax from machinery and this is nothing but the same thing on the ski industry. We recommend that we pass this bill and remove that tax from their equipment.

Adopted. Ordered to third reading.

HB 558, extending the registration and certain other requirements of the condominium act to the sale of time sharing interest in condominiums created under RSA 479-A. Ought to pass. Sen. Preston for the committee.

SEN. PRESTON: This act extends the registration and certain other requirements of the condominium act for time-sharing. It just fits in and fills in some loopholes. We recommend ought to pass.

Adopted. Ordered to third reading.

HB 701-FN, relative to the powers of the water supply and pollution control commission. Inexpedient to legislate. Sen. Wiggins for the committee.

SEN. WIGGINS: This is one of three bills that we are to hearing on the water supply and pollution control commission, also water resources. I move we lay this on the table.

Sen. Wiggins moved to lay HB 701-FN on the table.
Adopted.

HB 772, concerning regional refuse disposal districts. Ought to pass. Sen. Wiggins for the committee.

SEN. WIGGINS: This bill is for Sullivan County and Windsor County in Vermont, to give us further powers to investigate the possible incinerator system that we are trying to set up. We recommend passage.

Adopted. Ordered to third reading.

HB 669-FN, establishing a committee to propose a recodification to local government laws. Ought to pass. Sen. Conley for the committee.

SEN. CONLEY: This bill sets up a committee to study the existing laws on municipalities for the purpose of proposing recodification of the laws governing political subdivisions of the state. It comprises a seven member committee. The expenses involved would be legislative mileage for the members who are legislators, and the rest would basically come out of the departments which are already involved in the budget process. The committee recommended passage of this. The vote was unanimous.

Adopted. Ordered to third reading.

HB 137-FN, relative to sunset review of the board of optometry. Ought to pass. Sen. Conley for the committee.

SEN. CONLEY: The Executive Departments Committee reviewed the House findings on HB 137-FN regarding the board of optometry and recommends the passage of this bill as did the House. We concur with the findings of the House.

Adopted. Ordered to third reading.

HB 139-FN, relative to the sunset review of the board of registration of podiatrists. Ought to pass. Sen. Conley for the committee.

SEN. CONLEY: Members of the Senate committee attended the joint committee meeting with the House and we concur with the findings of the House as ought to pass.

Adopted. Ordered to third reading.

HB 148, relative to sunset review of the electricians board. Ought to pass. Sen. Conley for the committee.

Sen. Conley moved to lay HB 148 on the table.
Adopted.

HB 149-FN, relative to sunset review of the electrolysis board. Ought to pass. Sen. Conley for the committee.

SEN. CONLEY: The committee has met on this. Several of us sat in joint committee hearing with the House committee. We recommend concurrence with the House report.

Adopted. Ordered to third reading.

HB 157-FN, relative to the sunset review of the real estate commission. Ought to pass. Sen. Conley for the committee.

Sen. Conley moved that HB 157-FN be laid on the table.
Adopted.

HB 164-FN, relative to sunset review of the board of rehabilitation counselors. Ought to pass. Sen. Conley for the committee.

SEN. CONLEY: Members of the Senate committee sat in joint session with the House committee and move at this time that we concur with the findings of the House report.

Adopted. Ordered to third reading.

HB 731-FN, relative to construction and inspection of public buildings. Ought to pass. Sen. Sanborn for the committee.

SEN. SANBORN: This bill is the result of an interim study done by members of the Senate and members of the House, representatives of the Governor's office of controller, and the Public Works Department. In revamping the manual of procedures, this is one of four bills that was worked out in that area. When we began to study it we found that there was a problem in that the State of New Hampshire was using

the American Building Code and about all the cities in the state and most of the towns are using the local code. You wouldn't think that this would make much difference but where they ran into the real problem was where the area of the additions of the Vocational-Technical School in Manchester, the American Code and the local code made a difference of eight inches in the height of that building. Because Manchester was under local we had to go back and redesign the building and lower it eight inches to meet the local code. On investigation we find that the American Builders Code is slowly going out of existence, it is being phased out and practically everyone is going into the local code. This bill puts the State of New Hampshire under the local code. We recommend passage of this bill.

Adopted. Ordered to third reading.

HB 321-FN, making a special appropriation for the Candia-Raymond project. Ought to pass. Sen. Sanborn for the committee.

SEN. SANBORN: I think everybody has heard over the past 8 to 10 years about the Candia-Raymond project of Route 101, better known as killer route. The federal government has already put up \$33,375,000 towards the change in this route. They are already under construction and about three to four different projects have already been let out, two of the bridges that have to be put in are already under construction. This bill puts up the \$11,125,000 which is the state's share. We recommend the passage of this bill so this project can be completed.

Adopted. Ordered to third reading.

HB 65-FN, providing for payment of a claim to Gregory Shost, administrator of the estate of Frances Shost, and making an appropriation therefor. Ought to pass. Sen. Preston for the committee.

SEN. PRESTON: This is one of several bills submitted by the Attorney General's office for the settlement of payment of claims agreed with with other attorneys. It would simply pay the claims to the administrator of the Shost estate.

Adopted. Ordered to third reading.

HB 384-FN, making an appropriation to pay the settlement agreement in the case of Nicholls v. New Hampshire. Ought to pass. Sen. Preston for the committee.

SEN. PRESTON: This is another bill submitted by the Attorney General's office to appropriate the money to pay the settlement agreement in the case of Nicholls vs. the State of New Hampshire.

Adopted. Ordered to third reading.

HB 392-FN, making a supplemental appropriation to the office of attorney general to settle the case of Chasse v. Banas. Ought to pass. Sen. Preston for the committee.

SEN. PRESTON: This also authorizes the payment of \$32,500 to the office of the Attorney General to settle another case at the New Hampshire State Hospital.

Adopted. Ordered to third reading.

HB 452-FN, creating a committee to study the establishment of a contributory retirement system for all full-time district court justices and every justice of the probate, superior and supreme courts in the state of New Hampshire. Ought to pass. Sen. Preston for the committee.

SEN. PRESTON: This bill simply establishes a study committee of the general court judiciary relative to the establishment of a contributory retirement system for all full-time district court justices and other members of the judiciary.

Adopted. Ordered to third reading.

Sen. Conley in the Chair.

HB 668-FN, relative to the industrial development authority. Ought to pass. Sen. Brown for the committee.

SEN. BROWN: HB 668-FN restructures the IDA, the industrial development authority because in the Legislature this session there are numerous bonding bills, both revenue bonds, tax-free bonds, and so on. This bill restructures the IDA so if those bills, or some of them, are passed they will fit into sequence with the IDA and be able to function.

Adopted. Ordered to third reading.

HB 937-FN, permitting the financing of upgrading, construction or repair of railroad lines by the industrial development authority. Ought to pass with amendment. Sen. Brown for the committee.

SEN. BROWN: This is one of those bonding bills that I just spoke of. This in relation to railroads. We all know how the railroads beds and rights-of-way have deteriorated throughout the state and this bill was requested by the shippers of the railroad lines so that they can get taxed to go through the IDA process, the bonding process, and get tax-free bonds to upgrade the roadbeds, strictly the roadbeds and the rights-of way, this is the ties, the rails and so forth. It has nothing to do with the rolling stock of the railroad. The real purpose for it is tax-free bonds so they can get the break on the interest. It covers all the railroads of the state. It does not pinpoint to any one line or road.

SEN. BERGERON: I don't know for sure and I'd like to know, if this in any way would negate the possibility of, for example, the State Department of Transportation from putting, if it were available, either state funds or maybe some federal monies that they had under their jurisdiction, into a railroad line?

SEN. BROWN: This bill has nothing to do with the funding of the transportation authority. Absolutely none. That is in another bill that you will have on this floor before you sometime next week. This has no bearing on funding whatsoever. This is strictly the bonding process, the bonding process only, as I explained, for the railroad beds, to upgrade the railroad beds by the shippers. Tax-free bonds.

SEN. LAMONTAGNE: What does the amendment do?

SEN. BROWN: The amendment specifies that the shippers will go right to the IDA and the transportation authority

is not involved. They never have been, this simply states in the statutes that they will not be.

SEN. LAMONTAGNE: Are the railroad people in favor of this amendment?

SEN. BROWN: Yes.

Amendment to HB 937-FN

Amend RSA 162-I:1, I as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

I. It is hereby declared that there is a need for the development of industrial facilities, including pollution control facilities, within the state in order to create or preserve employment opportunities, protect the physical environment, preserve or increase the social or economic prosperity of the state and its political subdivisions and promote the general welfare of the state's citizens.

Amend RSA 162-I:2, X as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

X. "Railroad line facility" shall be an eligible facility and means any railroad right of way within the state and all other kinds of property or structures installed on the right of way such as rails, ties, ballast, switches, signals, interlockers, bridges and tunnels which are necessary or useful for the effective functioning of a segment of a railroad system, but the term shall not include rolling stock. Any project with respect to a railroad line facility may, but need not, include the acquisition by purchase, lease, or otherwise of an existing railroad right of way with associated property as described in the preceding sentence and may consist of the construction or reconstruction, which shall include restoration or upgrading, of the facility. Acquisitions under this chapter shall not be subject to RSA 21-D, 21-E and 21-F. A user which engages in a project with respect to a railroad line facility need not be the owner of the facility and need not be entitled to the exclusive use of the facility.

Amendment adopted. Ordered to third reading.

HB 393, relative to housing finance agency and housing commission programs and plans for buildings using renewable energy systems. Ought to pass. Sen. Brown for the committee.

SEN. BROWN: All HB 393 does in relation to the housing finance agency is it states that when they are considering issuing bonds for multi-family, elderly, or single family, that they may take into consideration any energy-saving designs or engineering or building that will conserve energy in these developments or projects. The amendment that was passed out says that they may, the bill says that they shall, the council, Bill Craig for the agency, says that the housing finance agency does it all the time anyway but to make it mandatory in some cases would create some real serious problems. We have always tried to and always have to the best of my knowledge, implemented these energy-saving devices to the projects that we have financed.

Sen. Brown moved a floor amendment.

Floor Amendment to HB 393

Amend RSA 204-B:10-a, I as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

I. All programs of the agency may include means to finance project costs for the purchase, construction and installation of new and existing buildings of energy conservation measures as well as solar and other renewable energy systems providing space heating or cooling, domestic hot water, electricity or other useful energy.

Amendment adopted. Ordered to third reading.

HB 814-FN, excluding costs of the Seabrook educational center from the utility's rate base. Inexpedient to legislate. Sen. Brown for the committee.

SEN. BROWN: This bill requested that the educational center at the Seabrook nuclear plant be eliminated from the tax rate. The committee decided that it should not be. It is quite an institution, it has been there 2½ years. It does not promote Seabrook in any way, all it does is educate anyone who wants to go through there, as to how energy is generated. They have degreed people doing the touring and the instruction and the teaching. In the last 2½ years since it has been open, 95,000 people have gone through there. It has been quite an education. It costs less than 2 cents per month per bill. We consider that pretty cheap education for anybody of any age to go through the educational center of the plant to see how energy is generated. So I move the committee report.

SEN. PRESTON: Are you a member of the LUCC as of last year in April?

SEN. BROWN: I am a member of the LUCC, but I don't know that I remember it as of April.

SEN. PRESTON: Were you aware that the four senators, who were members of the LUCC did petition to have this excluded from the rate base charges?

SEN. BROWN: If you say so Senator. They may have, I don't recall it.

SEN. BERGERON: In furtherance to Sen. Preston's question, as a matter of fact I thought you were on that LUCC last year? No?

SEN. BROWN: I was but I don't recall the incidence he is talking about.

SEN. BERGERON: Are you familiar with the discussion on the trial brief of the LUCC in this very same meeting that Sen. Preston refers to, wherein the Commission had already ruled that the rate base is developed by determining the cost of plant use and useful in providing the company service, and that the decision was Public Service Company is in the business of providing electricity, not in the business of campaigning about the benefits of nuclear power? Seabrook education center is not used, nor useful, in providing electricity to customers. I think that was the basic argument of the LUCC at the time.

SEN. BROWN: It doesn't seem to me that they would continue to do this and put in on the rate base if they were not allowed to do it. Truthfully I think it is an excellent investment.

Sen. Preston moved that the words "ought to pass" be substituted for the committee report of "inexpedient to legislate."

SEN. PRESTON: Thanks to me, four members of the Senate, Sen. Brown being one, making a recommendation today, participated in exactly the opposite course last year recommending this being excluded from the rate base. There is no question that that center down at the Seabrook nuclear plant is interesting, educational, and very beneficial to see some of the advances in technology. That is not the point here today. This is not a case of people being anti-nuclear or pro-nuclear, and I wish every Senator would listen and get that out of his mind. It seems that every time a bill comes in here relative to the Public Service Company, we divide the lines on every issue whether you are for or against the Seabrook plant. That is not the question. This bill came out of the House committee with an 11 to 4 report, it passed in the consent calendar of the House. Now the four members of the Senate on that LUCC are flying oppositely in the face of where they stood before. HB 814 would have excluded the costs of the Seabrook educational center from the utility rate base as a utility expense. The reason for excluding these costs are: the educational center is not used and useful in providing services to the utility rate payers; the purpose of the Seabrook educational center facility is to provide promotional advertising and has nothing to do with providing electricity. That is the key, not whether you support or are against nuclear power. Court cases have substantiated this feeling. It is also interesting to note, in a petition, in a trial brief of the LUCC, that the financial director said: "A further adjustment should be made to remove the average cost of the Seabrook educational center from the rate base." It goes on to say that: "Exhibit B1 shows the amounts reflected. I believe the center should not be included in the rate base because of this. It is not used and useful in providing service to the rate payers. Its purpose is to provide promotional advertising and therefore should be an expense borne by the stockholders as a below the line item." Now that is not propaganda to try and hurt Public Service. If you are going to be consistent in what should be charged to the rate payers, then we should go along with ought to pass on HB 814. This is not an anti-nuclear bill.

SEN. KELLY: Is there any indication that if we were to go along with this bill and the committee report, that the company would pick up the cost of that educational center and run it?

SEN. PRESTON: I assume they would. I am just not condoning the rate payer picking it up.

SEN. KELLY: But we have no testimony to the fact that they would, or any indication that they would?

SEN. PRESTON: I don't think that is my problem to resolve. I just don't think we should establish this type of policy, it seems to fly in the face of previous court decisions.

SEN. BOYER: I rise in support of Sen. Preston's motion. I concur with all your statements, Sen. Preston. I also point out that I believe that this sets a very bad precedent because it doesn't stop with Public Service Company. What is to prevent the other utility companies in the state from forming their education programs as well. One to promote the welfare and the benefit of gas service out of Nashua, water service out of Nashua, and so forth and so on. I agree that the program is a good program but again I think the rate payers ought to have the choice of whether they want to pay for this program, and their only choice is through the PUC and the Legislature. I think, to be consistent and responsible, we ought to say to the Public Service Company and any other utility that this is a nice thing to have but it is not necessary to provide the service that you have had the monopoly to provide, and therefore if you want to provide it you do it at your own costs and at the cost of the stockholders. If they want to pay it then it will come out of their dividends. I ask you to support the current motion.

SEN. ROY: Sen. Boyer, you just raised a question in my mind now relative to the fact that the Seabrook center may be a means of promotion or advertising. Do you agree?

SEN. BOYER: Yes, I think it is, there is no question in my mind.

SEN. ROY: Do any other utilities advertise?

SEN. BOYER: I really don't know, to be honest with you. Not in this manner that I know of. There is a thin line between what is promotional advertising and what is giving information or education as to a need of a particular type of utility. Unfortunately we don't determine that, the Public Service Company determines what is displayed there.

SEN. WIGGINS: I oppose the motion on the floor. I have been through the educational center and it enlightens people, it doesn't promote atomic power or anything else. You have heard now from the party that was to cut our light bills when they ran for office two years ago, one-third of the light bills were reduced. This is the party that these Senators belong to. I am disgusted to think that we would inhibit anything, educational systems or anything else, because we were afraid that it might promote something or people might learn ways of generating power without advertising nuclear power or anything else. I sat on this committee with Sen. Brown, we heard the testimony and from what we could deduct from all the testimony given, was that this was a bad bill. I am one who believes that the more you learn the more you are able to make a good judgment on any of the things that are happening in our state. I would urge the people in this Senate to vote against the present motion.

SEN. LAMONTAGNE: I rise in opposition to the motion. First I would like to say that as far as referring back to the LUCC, I as a chairman don't recall that the matter of the educational program came up before the LUCC. It was the advocate who opposed the high rate of the service, that is when it came up. I feel that this educational program has certainly been a very big tourist attraction. As far as I'm concerned this tourist attraction has been drawing a lot of people and therefore there are a lot of people who didn't understand anything about Seabrook that had the opportunity to go there. If you haven't seen it you ought to go and see it because I think it is worthwhile to go and look at. I hope that we don't make a mistake like we did when the General Court went against the CWIP charges, because today you will remember that the CWIP charges have proven that it would have been a savings to the consumer. An education is good for the consumer and it is good for the tourist people.

SEN. BROWN: I rise in opposition to the motion before us. As I stated earlier, when I presented the committee report on the floor, in 2½ years in operation 95,000 people have been through that place and got quite an education as to how energy is generated. I only wish our public school system could get a subject across as well and anywhere near as cheap. It was insinuated by Sen. Preston that this was not an anti-nuclear bill. Let me read the names: Rep. Nancy

Proctor, Rep. Ed Smith, Rep. Selma Jackson, in any anti-nuclear bill you have seen those same names. Don't stand here and tell me it isn't an anti-nuclear bill. I urge your support of the committee report.

SEN. SPLAINE: This isn't an anti-nuclear bill. I think that Sen. Brown and Sen. Wiggins and Sen. Lamontagne have made some good points today, but I think that we are talking, perhaps, about two different issues. I'm not opposed to the educational center and I don't think that any people, members of the Senate or members of the House, who vote in favor of HB 814 are against the educational center. I think the educational center will continue whether or not the Senate approves this legislation today. The issue is whether or not we want to see, and we the members of the Legislature are supposed to provide this kind of guidance, whether or not we think that it ought to be and if we want to see this included as part of the rate base. I don't believe it should be. Supposedly the concept of the rate base is to charge those people who use it, businesses, high income people, moderate income people, low income people, everyone throughout the state, the fair amount that they ought to pay for the amount of money that it costs for the generation of their electricity. The educational center, pure and simple, is not being utilized for the generation of their electricity. That is what we are talking about here today. We are not talking about the nuclear power plant, we are not talking about the educational center, we are talking about the rate base. One of my constituents asked me a little while ago, a good question, and that is, why should this person, a consumer, have to pay for the educational center? They can use it, they can view it, they can learn from it, they can see it, but, should they have to pay for it out of their rate base? I simply think no.

SEN. SANBORN: It was interesting in your remarks that you said that you anticipate the center will continue whether we pass this bill or what we do with it. If we pass this bill, where is the money coming from to fund the running of this center?

SEN. SPLAINE: The stockholders. I think an interesting parallel is simply to consider the fact that the Legislature, I think rightfully so some time ago said that lobbying up here in Concord by the Public Service Company, or by anybody involved with the Seabrook Nuclear Power Plant, or any of

the power plants, shall not be taken out of the rate base. The lobbying is paid for by the stockholders. I think that this would be in the same case. If the Seabrook Nuclear Power Plant educational center is going to be paid for, and I think it would be, it would be paid for by the stockholders, as a legitimate, and I emphasize that, as a legitimate, recognized advertising and promotional measure to try to convince people that they have, the Seabrook Nuclear Power Plant, the Public Service Company of New Hampshire, have some good ideas for the generation of electricity. I don't see anything wrong with that.

SEN. SANBORN: You say the stockholders, now let me understand this correctly. You say the stockholders, they are going to give back a percentage of the amount of money that they get as dividends on their stocks, which are guaranteed by statute if I am not mistaken, to run the center, is this what I gather?

SEN. SPLAINE: Just like all of those items that are not included in the operational costs of running the Public Service Company of the Seabrook Nuclear Power Plant, it would be included as part of those costs. It is a promotional measure, just like lobbying is a promotional measure on the part of the Public Service Company. A legitimate promotional measure. I see nothing wrong with that continuing, but at the same token, and this would be a question that you would have to answer, Senator, in your own mind, should we be expecting this legitimate promotional measure to be paid for by the rate payers of the state, including you, including me, including everyone else who might never even view the educational center, or directly benefit from it because it doesn't generate electricity?

SEN. SANBORN: I just can't believe in my own mind, Senator, perhaps you can enlighten it, where someone who is a stockholder in the Public Service Company is going to say here take back 10 cents a share out of me to fund the educational center.

SEN. SPLAINE: And yet we expect, nevertheless even though you can't believe that, the people of New Hampshire who are utilizing the Public Service Company's electricity to have to come up with the money? Why should we expect them to come up with it if you can't expect the stockholders to come up with it, because it is a legitimate promotional measure on their part?

SEN. SANBORN: You try to sound convincing, I'll admit, but say 100,000 stockholders, if there is that many, and I have my doubts, and the Public Service Company to pay for something for the entire state's edification, strikes me as very strange, doesn't it you? And Sen. Blaisdell, perhaps you can give him a few more hints?

SEN. SPLAINE: I think the issue is exactly as you defined it a moment ago, the entire state. I don't think that HB 814 is doing anything else other than saying that since the entire states' rate payers from the Public Service Company, and in the future from the Seabrook Nuclear Power Plant, do not directly benefit from the educational center because it itself does not generate electricity, we should not include that as part of the rate basis. That is as simple as it is, we are not talking about Seabrook, we are not talking about the education center, we are talking about who pays. Should it be those poor people out there who are trying to come up every month with their \$60-\$70 electric bills, and in some cases much more, should it be the businesses of this state which have to pay exorbitant rates, or should it be the stockholders who more directly benefit from the promotional measure?

SEN. SANBORN: Using your own theory, now tomorrow afternoon when we are in session, we have a bill before us relative to Rhododendron State Park cottage. I will admit that Senate Finance has taken any money out of it, however, when it came to us from the House it did supply a certain amount of money to put that building back in structural sounding, I believe. If I use your same theory, correct me if I'm wrong, it is not the business of the entire state to put that building in structural soundness, but only those who participate in Rhododendron State Park, am I correct or not in that assumption?

SEN. SPLAINE: Of course those of us in Senate Finance heard the public hearing concerning that issue that we are talking about tomorrow and I think it is a little more involved because the state actually went in there and did a few things to the structure to make it unstructurally sound at the moment. We are talking about a bill tomorrow that would at least make it structurally sound at the cost of the state. I really don't understand any parallel between that and what we are talking about at the educational center. We will be discussing that tomorrow, I'm sure.

SEN. RICE: We just heard Sen. Lamontagne speak in opposition to the motion and in his address he indicated that the educational facility was a tourist attraction. If it is in fact a tourist attraction, would you be opposed to having the tourists who are attracted to that educational facility, defray the cost of the tourist attraction, rather than the rate payers?

SEN. SPLAINE: I think that would be a realistic alternative, if it came down to a decision on the part of management of Public Service that they would not want to see the stockholders pay.

SEN. BLAISDELL: Sen. Sanborn, isn't it true that Rhododendron State Park, aren't we going to charge to get people into the park?

SEN. SANBORN: No, there are no charges on Rhododendron State Park.

SEN. BLAISDELL: Is there a charge on any state park in that area that it might bring funds to that area?

SEN. SANBORN: I cannot say, I don't believe that Commissioner Gilman has given us that information in Finance. To my knowledge Sunapee, Cannon and a few others have charges, and some of the smaller ones where they have bathing facilities.

SEN. BLAISDELL: The 95,000 people who attended this supposedly instructional place over there in Seabrook, how many people are from New Hampshire? Any idea?

SEN. SANBORN: I have no knowledge of that whatsoever. I haven't seen a list of who has been there and who hasn't.

SEN. BLAISDELL: Would it be possible that maybe some of the rate payers in New Hampshire may be paying for somebody from Massachusetts and other states to learn about nuclear power? Do you think that is fair, Senator?

SEN. SANBORN: That is true. And also the taxpayers of the state of New Hampshire are paying considerable amounts of money to run all the state parks throughout all the state that are used by untold numbers of people from out of state.

SEN. WIGGINS: Sen. Sanborn, isn't it true that the rate payers and the stockholders, that it is going to cost them about a billion dollars from now to 1990 because of what happened that we had to sell off part of Seabrook?

SEN. SANBORN: That is absolutely correct.

SEN. BLAISDELL: Sen. Wiggins, is it true that if the Public Service Company listened to us six years ago and had not

gone into a couple of areas at Seabrook, that maybe it wouldn't have cost the billions of dollars it is costing today in this state? If they had listened to some people in this Legislature?

SEN. WIGGINS: That I cannot answer, Senator.

SEN. BLAISDELL: Well I'll talk to you sometime and explain it to you.

SEN. WIGGINS: I wouldn't believe you if you did.

SEN. BLAISDELL: Yes you would believe me.

SEN. LESSARD: I would just like to address one concern, one area, and that has been raised by Sen. Sanborn and Sen. Splaine. That is the question of whether or not the stockholders should pick up the costs of advertising. Well the fact of the matter is now, currently, the rate payer pays for a portion of the advertising, and the stockholders pay for a portion of the advertisement. Advertising is categorized in certain different classifications, and currently the stockholders pay a portion of the advertising. It depends on how it is declared. Since the Public Utilities Commission dealt with this issue they have adopted the PURPA regulations, the Public Utility Regulatory Policy Act, which would declare this a political advertising and it should not be borne by the rate payers. So I would urge you to adopt Sen. Preston's motion and take this, once and for all, out of the rate base.

Sen. Chandler moved the previous question.

Adopted.

Sen. Preston requested a Roll Call.

Seconded by Sen. Blaisdell.

The following Senators voted yes: Bergeron, Blaisdell, Boyer, Rice, Stephen, Champagne, Lessard, Preston, and Splaine.

The following Senators voted no: Lamontagne, Freese, Hough, Chandler, Wiggins, Monier, Mann, Stabile, Kelly, Podles, Sanborn, Brown, and Roy.

9 yeas 13 nays

Motion failed.

Adopted.

HB 525, requiring members of the press to wear a press pass while covering legislative activities. Inexpedient to legislate. Sen. Brown for the committee.

SEN. BROWN: As you know HB 525 was to have the members of the press to wear a badge and I think that in the testimony and the things that have been said in the news media, and within the halls of the State House, it really started out as a lark and if we passed the bill and forced them to wear badges I don't think it would stop them from printing anything they wanted to anyway. They all know it wasn't necessary. There was an amendment proposed in committee by Sen. Preston and Sen. Monier that if we pass the bill we ought to put the amendment on that we should all wear badges, stated red with white letters, Politician may be hazardous to your health, safety and pocketbook. Well, there may be a lot of truth to that communicate but the committee felt that we would probably not put it on, so I urge your support in going along with the committee report inexpedient to legislate.

Adopted.

HB 878-FN, relative to notification of certain nominees after a state primary election. Ought to pass. Sen. Podles for the committee.

SEN. PODLES: The thrust of HB 878-FN has to do with the notification of certain nominees after the primary election. The bill releases certain requirements by the office of the Secretary of State. It makes it less costly for the state and less work for the town clerk. The Secretary of State testified in favor of the bill and the committee recommends ought to pass.

Adopted. Ordered to third reading.

HB 331-FN, relative to the county jails maintained at Haverhill and Manchester. Ought to pass. Sen. Podles for the committee.

SEN. PODLES: HB 331-FN will repeal an archaic law which duplicates an existing statute that requires all ten counties to maintain a jail in their respective county. This law as it presently stands requires two jails to exist, one in Manchester and one in Haverhill. Finally the current law will handicap Hillsborough County in considering a site for a new jail facility. The Hillsborough County Department of Corrections, the Hillsborough County Commissioners of New Hampshire, the Association of Counties, and the Grafton Board of Commissioners support the bill and have all testified in favor of it. The committee recommends ought to pass.

Adopted. Ordered to third reading.

HB 113-FN, relative to sunset review of the public utilities commission — common carriers. Ought to pass. Sen. Podles for the committee.

SEN. PODLES: HB 113-FN was written into plain language, made clear and understandable. Its format as opposed to its content, was changed. The committee concurs with the House committee.

Adopted. Ordered to third reading.

HB 883-FN, creating an airport district between the city of Manchester and the town of Londonderry. Ought to pass with amendment. Sen. Podles for the committee.

SEN. PODLES: HB 883-FN authorizes the establishment of an airport district between the city of Manchester and the town of Londonderry. The use of certain land in the airport district and the granting of tax exempt status to Manchester-owned land in Londonderry. The proposed amendment on page 10 incorporates the reference to the intermunicipal agreement and that would limit the unrestricted access to the Londonderry Housing and Redevelopment Authority area of the airport district. Both municipalities are in agreement and also the Manchester Airport Authority. I would like to read a statement to the Senate, a statement that was given at our hearing by the Chairman, Mr. William Bigelow, Manchester Airport Authority: "Although this bill appears to carry out

the intent of the intermunicipal agreement by exempting all Manchester land from Londonderry taxes, it may inadvertently effect the existing obligation of certain companies to pay real estate taxes as part of their land-lease agreement. This was not the intent of the two municipalities, nor do we believe that it would be the intention of this legislation to bestow a windfall upon these companies located on Manchester owned land located in Londonderry. Consequently the Airport Authority respectfully requests that this committee's report reflect such legislative intent by stating that the real estate tax exemption is not intended to affect the obligations of lessees of Manchester-owned land located in Londonderry to continue to make such payments in lieu of taxes to the city of Manchester or to its authorized representative pursuant to existing lease agreements." There was no opposition to this bill and the committee recommends ought to pass.

SEN. KELLY: I rise in support of this legislation and point out that this is the result of many years of hard work and cooperation between the city of Manchester and the town of Londonderry. My involvement in it has only been recent but it has been a pleasure to see these people iron out their differences. It does mean a great deal to the airport and to the business growth in the area. I would hope that you would concur with the committee's report.

Amendment to HB 883-FN

Amend paragraph I of section 1 of the bill by striking out same and inserting in place thereof the following:

I. The city of Manchester and the town of Londonderry are hereby authorized to establish an airport district in accordance with the intermunicipal agreement made on March 3, 1981, between Manchester and Londonderry.

Amend the bill by striking out all after section 1 and inserting in place thereof the following:

2 Access to Facilities. All owners and lessees located in the Londonderry housing and redevelopment authority area of the district shall have complete, unrestricted and ready access

to every airport, landing area, and public land area; provided, that access to such facilities and landing areas shall be based upon the granting by Londonderry at the town meeting held in March, 1981, of permanent tax exempt status on the land in the airport district owned by the city of Manchester which is located in the town of Londonderry.

3 Tax Exempt Status. The selectmen of the town of Londonderry shall permanently exempt the property taxes or the payments in lieu of taxes on the airport lands owned by the city of Manchester situated within the airport district in the town of Londonderry, notwithstanding the provisions of RSA 423:9 to the contrary. The tax exemption shall apply only to the land areas owned by the city of Manchester, and shall not include any buildings upon or improvements to such airport property. The tax exemption shall be granted by the town of Londonderry in return for the condition that the owners and lessees located in the Londonderry housing and redevelopment authority area of the district shall have complete and ready access to and the use of all facilities in the airport district as provided under section 2 of this act.

4 Effective Date. This act shall take effect upon its passage.

Amendment adopted. Ordered to third reading.

SUSPENSION OF RULES

Sen. Podles moved that the rules of the Senate be so far suspended as to allow committee reports on HB 262 and HB 235 with only one days notice of hearing in the calendar.

Adopted.

HB 262, requiring automatic fire warning systems in all new and existing single family dwellings completed or substantially rehabilitated after January 1, 1982. Ought to pass. Sen. Podles for the committee.

SEN. PODLES: HB 262 mandates the installation of smoke detectors in all newly constructed or largely renovated private dwellings after January 1, 1982. Testimony revealed that smoke detectors in homes have been documented to save lives. Close to 80% of all fire-related deaths which occur in

New Hampshire occur in single-family dwellings. Fire chiefs from Hampton, Salem, Belmont, and the State's Fire Marshal office, the New Hampshire Fire Chiefs Association, the AFL-CIO, all appeared in favor of the bill. Not a single individual appeared against the measure. The committee recommends ought to pass.

SEN. SANBORN: I have just one question. Who is responsible for seeing that these are installed? What town or city official?

SEN. PODLES: The state marshal.

SEN. PRESTON: Section two at the top of the page, it amends RSA 153 in 79 and inserts the following. What changes were made in that following section in 1979, could you tell me? Is that a new amendment?

SEN. PODLES: The date was the new thing. After December 31, 1981.

SEN. PRESTON: Is the first section, "every guest room, in a hotel, boarding house, lodging house, shall be equipped with . . .

SEN. PODLES: No, there was no change in that. It is in the current statute.

SEN. PRESTON: Then the only effective change you are telling me on that is the effective date?

SEN. PODLES: Right.

SEN. CHANDLER: I'm a little bit confused about the title. Was the bill amended in the House before the Senate got it?

SEN. PODLES: Yes it was amended in the House.

SEN. CHANDLER: The House amended it before we got it. My question is that here it says that all new and existing single-family dwellings completed or substantially rehabilitated after January 1, 1982, well if a building isn't going to be completed until January 1, 1982, how could you now describe it as an existing building? That title differs from the title on the bill.

SEN. MANN: Sen. Podles, it says automatic fire warning and smoke detection system. That means both battery and electric?

SEN. PODLES: Yes, it means both, any kind of fire detection equipment.

SEN. BERGERON: A question to refresh my memory, Senator. We had a very similar bill in the last session. Do you

recall or have you heard testimony as to what we did with it? Was that interim study or was that inexpedient or what did we do with that at the time?

SEN. PODLES: I was told that it was interim study, yes. Now, to this bill, they have added single-family dwellings, as I understand it.

SEN. BERGERON: Is that bill the outgrowth of the study committee?

SEN. PODLES: It could be, I'm not sure.

SEN. BERGERON: What we are doing is mandating, we know best, and we are mandating that everybody install this equipment.

SEN. PODLES: We are mandating, right.

SEN. STABILE: Sen. Podles, one question. I do not see a clear definition of the word rehabilitation. An apartment owner could own X number of apartments and he wants to put new rugs in, does that constitute rehabilitation?

SEN. PODLES: No, it does not.

SEN. STABILE: Where is the definition for rehabilitation? In other words, what I am afraid of is that the town will decide that if you want to change a light bulb, that that is a renovation.

SEN. PODLES: On page 3, every hotel, boarding house, or lodging house or family hotel building substantially rehabilitated after December 31, 1979, that shall be equipped with an automatic fire warning system in each dwelling unit. That is the thing. The rehabilitation of the building after December 31, 1979.

SEN. STABILE: Would you believe that the Home Builders' Association and the Multi-Family Council in the State of New Hampshire is in favor of this legislation?

SEN. PODLES: Yes, they are.

SEN. ROY: I rise in support of the committee report. This bill did go to interim study in the Senate, it was a House bill two years ago. I think the time is long overdue when we will spend a few dollars to protect life.

Adopted. Ordered to third reading.

HB 235, to allow the use of billing statements in making small loans. Ought to pass. Sen. Boyer for the committee.

SEN. BOYER: This bill would allow the Legislature to catch up to current business practices in the state of art technology and computerization and allow small loan companies to go ahead and send out the billing by computerization. There was no testimony adverse to the legislation and it came out of committee ought to pass.

Adopted. Ordered to third reading.

HB 896-FN, requiring notice of the exemptions to the resident tax. Ought to pass. Sen. Podles for the committee.

SEN. PODLES: HB 896-FN will inform taxpayers that people over 65 years old are not required to pay the resident tax. Current law already exempts them but most of them don't know and continue to pay it. The bill is needed to keep the elderly informed and the committee recommends ought to pass.

Adopted. Ordered to third reading.

HB 837-FN, relative to water sewer works in the town of Troy. Ought to pass. Sen. Podles for the committee.

SEN. PODLES: HB 837-FN changes a 1915 statute relative to water works. It allows for a 5-year board of commissioners in charge of the Troy water and sewer works and the selectmen are given the power to fill vacancies until the next town meeting. There was no opposition to the bill. The committee recommends passage.

Adopted. Ordered to third reading.

HB 732, relative to subdivision approval. Ought to pass. Sen. Stabile for the committee.

Sen. Stabile moved that the words "indefinite postponement" be substituted for the committee report of "ought to pass."

SEN. STABILE: This would in essence eliminate the exemption that exists today for water supply and pollution control

commission to review a subdivided lot for the purposes of septic systems of greater than five acres. That is to say that if the lot is five acres large, today the water supply and pollution control commission does not have to review that specific septic system design in order for them to be granted a building permit in the respective towns. This bill would make it so that the water supply and pollution control commission would have to review any septic system being supplied in the state. The problem is that when you start getting into five-acre lots, ten-acre lots, and fifteen-acre lots that are way up-country and you want to put a house on 100 acres, you would have to incur the expense of going before the water supply and pollution control commission, digging a test pit, designing a septic system to meet the state requirements when it is very realistic on five acres that you are going to be able to find more than ample space to put a septic system which would not in any way affect your neighbor. I believe this piece of legislation, if it was passed, would just add to the bureaucracy and add workload to the water supply and pollution control commission and I don't believe we need that. Any more work to their workload is bad, as it is now they are strapped with the workload they have today. The cost effectiveness of this piece of legislation would be negligible. Even the testimony that was given in favor of the bill was very sparse in why it should be passed, excepting to say that some subdividers were taking lots and making them 5.1 acres so that they didn't have to go before the water supply and pollution control commission, but they could not tell you of any situations to speak of, whereby ultimately the real reason you would have a septic system examination problem that was why we were passing this piece of legislation. So with that in mind I would like to see this piece of legislation indefinitely postponed.

SEN. FREESE: I noticed Rep. Sanders of Alton was the sponsor of the bill. Do you know the history of the urgency of the proposed legislation? Was it the water supply and pollution control commission or was it the planning board or do you know where the incentive came from for the bill?

SEN. STABLE: No I don't.

Adopted.

HB 268, concerning the administration of medications. Inexpedient to legislate. Sen. Roy for the committee.

SEN. ROY: HB 268, if it should pass, would allow unlicensed persons in any setting to give any medication by any method to other people. It would supercede the federal law relative to the administration of controlled drugs by licensed persons. As well, HB 268 has no controls. There is no requirement provided to prepare people, whom the physicians and surgeons authorized to administer medications, to administer them. Additionally, giving these medications requires a continuing assessment of the individual's condition, a knowledge of what each medication will do, it's actions and it's uses. This bill, if passed, would allow any medication to be given in noninstitutional settings in which there is no direct supervision by either a physician, surgeon, or a registered nurse. The committee felt the lack of controls would jeopardize the safety of those to whom the medications are administered by persons other than professionals. The committee was unanimous in its support of inexpedient to legislate on HB 268 and we hope you will support the committee report.

Adopted.

HB 933, authorizing the financing of nonprofit nursing homes. Ought to pass. Sen. Roy for the committee.

SEN. ROY: Currently the State of New Hampshire permits financing for higher educational and health facilities under a financing authority. This bill is a very simple bill, it merely includes nonprofit nursing homes, not the proprietary or profit nursing homes, but the nonprofit nursing homes, to take advantage of that financing agreement.

Adopted. Ordered to third reading.

HB 466-FN, relative to funding domestic violence programs. Ought to pass. Sen. Roy for the committee.

SEN. ROY: The committee was unanimous in its support of ought to pass for HB 466-FN. The hearing was very well

attended and there were many speakers all favoring the bill. I would like to defer to Sen. Splaine to explain the bill to you.

SEN. SPLAINE: The legislation before you, HB 466-FN, is very good and it is the result of a lot of work on the part of a lot of people. The bill creates a fund for domestic violence programs which will be administered by the Director of the Division of Welfare to provide grants for direct services to victims of domestic violence, and for information, coordination, and technical assistance services. The money for the programs will come as a result of an increase in the marriage fees from \$5 to \$20. Under the formula set up in this legislation, the town clerk, city clerk, would be able to hold on to \$7 and the balance of the \$13 would go to the fund. Under this legislation, as the fiscal note points out at the back, about \$120,000 per year would be created to work on and be available for the domestic violence problems and programs throughout the state. As the Chairman pointed out, the testimony at the public hearing was unanimous in favor, as it was at the House hearing, on this issue. The issue itself, of domestic violence, spreads through all age groups throughout the state. It is a problem that until rather recently, perhaps, had gone somewhat ignored. Passed on to the committee was a letter from the State Council on Aging, from the Deputy Director, which said in part: "There are documented cases of elder abuse within our own state and studies in other states, including Massachusetts, which indicate the problem of battered elders to be much greater than had once been thought." It is a problem that does span all age groups. It is a problem that should be addressed and this is one piece of legislation that can go a long way toward trying to remedy the situation and improve communications between government and the public.

Adopted. Ordered to third reading.

HB 500-FN, relative to library services to the handicapped. Ought to pass. Sen. Roy for the committee.

SEN. ROY: HB 500-FN combines the library services to the handicapped and the advisory service to state institutions into one library division. All personnel, property, records,

of the current divisions are transferred to the division created by this bill. Monies are in the budget of the state library and will be considered further when Senate Finance considers that portion of HB 600-FN.

Adopted. Ordered to third reading.

HB 359-FN, providing for a statewide library development system. Ought to pass. Sen. Stabile for the committee.

SEN. STABILE: This bill restructures the library development in New Hampshire. It establishes a statewide development system to replace the current library development program as a way to improve library services to all the residents. The bill authorizes the state library commission to grant membership to those public libraries which meet the commission's standards. The bill establishes a program of annual state aid to member local libraries. The amount of the aid to each library depends on its local expenditures to the level of service. The bill will appropriate \$250,000 for a fiscal year 1982, and \$300,000 for 1983 to fund the state aid and services under the development system. The committee met, there was no testimony in opposition to this piece of legislation. It was voted unanimously ought to pass.

SEN. SANBORN: I understood the Senator that reported the bill to say that there was an appropriation in there, shouldn't that go to Finance?

SEN. STABILE: In answer to Sen. Sanborn's question, which was a very valid question, we do not have the Chairman's copy, the \$250,000 was amended out and the funds for this program would come from appropriations if any were to go to the state library under new appropriations.

Adopted. Ordered to third reading.

ENROLLED BILLS REPORT

HB 416, removing the requirement for a statewide library borrower's card.

HB 444, recognizing July 13, 1835, as the date of incorporation of St. Paul's Episcopal Church of Concord.

HB 555, relative to nonforfeiture benefits of life insurance policies, and reserve valuation standards for life insurance policies and annuity contracts.

HB 611, creating an exemption from licensure requirements involving allowable numbers of residents in certain health facilities and changing the title of RSA 151.

HB 716, to raise the penalty fee for violations of the limited credit laws in the sale of alcoholic beverages.

HB 725, concerning verification of eligibility for certain property tax exemptions.

HB 769, relative to medicaid and food stamp fraud.

HB 789, relative to the duties of the agricultural lands preservation committee.

HB 826, relative to the recovery of financial assistance, old age assistance and aid to the permanently and totally disabled.

HB 860, relative to the annual inspection of health facilities.

SB 132, relative to a trapping education program.

SB 230, removing the interest rate and other limitations on money borrowed by the city of Concord for its school district.

Sen. Lamontagne for the committee.

Sen. Monier spoke under Rule 44.

SEN. MONIER: I will be very brief. I rise today in a little bit of sorrow but at the same time a little anger. I would like it clearly on the record that I today take exception and criticize Richard A. Morse, who is Chairman of the Board of Trustees at the University of New Hampshire, for his purely political statements urging everyone at the commencement address to contact their State Senators in support of budget increases for the University of New Hampshire. I'm shocked that Mr. Morse would use a graduation exercise on the University of New Hampshire campus to promote the forming of a political pressure group to try and pressurize the State Senate to increase the budget for the University of New Hampshire. Surely many of those in attendance, and a few called me, must have been insulted by Mr. Morse's political speech when they had worked and saved and supported their children through four years of dedicated studies to achieve a degree and at this solemn occasion should have been relegated to the status of a political rally. Quite frankly, as the President of the Senate, I am some-

what ashamed of Mr. Morse's performance and I apologize to the people of the state, because he knows full well, and I repeat, he knows full well that no determination of the University budget has been made at this time. He knows full well that the University budget has only been discussed in a work session at which we will be free to discuss any item in Senate Finance or any member of the Senate would wish to have discussed, regardless of whether it happens to meet what Mr. Morse describes as his particular needs or that of the University. Quite frankly my position has been and always has been, a position of accountability for the University or any other state agency, in their finances and I do not have to continuously prove to myself or my constituency or to this Senate, nor to the members of the State of New Hampshire, that I am dedicated to spending money for actual education and that I have always criticized when money, in my estimation, is spent on education to administration, or monies for the support of educational activities in which there is no direct educational benefits involved. I think this is particularly clear, and particularly a needed statement of purpose, in our fiscal crisis of today. I had no intentions of raising this issue, Mr. Morse would have been more sensible had he of not raised it himself. As an elected representative, and as President of this Senate, and as Chairman of the Finance Committee, I will adhere to the political philosophy that allows no special interest group to get an unfair share of the taxpayers dollars, and I will refuse in this financial crisis that we face, to allow us to be burdened with this kind of political rhetoric and pressure for the sake of their own particular interests.

ANNOUNCEMENTS

Sen. Blaisdell spoke under Rule 44.

SEN. BLAISDELL: This past weekend I left the beautiful city of Keene to go to the University of New Hampshire to meet with other Senators. I would have to say that I was the food tester at the University. Sen. Monier asked me to test everything in sight to be sure that everything was right. So I tested the hot dogs and the turnip and everything else to be sure that it was eatable. We had a very nice evening

after that. I was asked to go to Hampton to stay with Sen. Preston. He invited me to his beautiful home. He said that he had a nice place for me to stay overnight. It seems that during the day he had a chance to rent that particular piece of real estate and I was relegated to the garage in the back and I was not very happy about that. I was even less happy the next morning when I got up and found that somebody had stolen my Senate plates off of my car. So needless to say, my trip to Hampton was not very profitable. I went to see a couple of my friends, or some friends that Sen. Preston had introduced me to. My wife fell down in their house and broke her ankle. So really I had a pleasant time. I want to tell you Sen. Preston, I'm not going back to your place any more.

Sen. Monier in the Chair.

Sen. Kelly moved that HB 797 be taken from the table.
Adopted.

HB 797, relative to the development of comprehensive plans by municipalities with consideration given to the use of solar energy. Interim Study. Sen. Wiggins for the committee.

Sen. Preston moved the previous question.
Adopted.

Sen. Boyer requested a Roll Call.
Seconded by Sen. Kelly.

The following Senators voted yes: Lamontagne, Conley, Freese, Chandler, Wiggins, Monier, Stabile, Podles, Sanborn, Brown, and Roy.

The following Senators voted no: Hough, Blaisdell, Boyer, Kelly, Rice, Stephen, Champagne, Lessard, Preston, and Splaine.

11 yeas 10 nays

Adopted.

INTRODUCTION OF GUESTS

Sen. Boyer moved that HB 932 be taken from the table.
Adopted.

HB 932, relative to solar skyspace easements. Inexpedient to legislate. Sen. Wiggins for the Majority. Sen. Boyer for the Minority.

Sen. Boyer moved that the words "ought to pass" be substituted for the committee report of "inexpedient to legislate."

Sen. Blaisdell moved the previous question.
Adopted.

Roll Call requested by Sen. Boyer.
Seconded by Sen. Blaisdell.

The following Senators voted yes: Hough, Bergeron, Mann, Boyer, Rice, Stephen, Champagne, Lessard, and Splaine.

The following Senators voted no: Lamontagne, Conley, Freese, Chandler, Wiggins, Monier, Blaisdell, Stabile, Kelly, Podles, Sanborn, Brown, Roy, and Preston.

9 yeas 14 nays

Motion failed.

Adopted.

ANNOUNCEMENTS

Sen. Brown moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills ordered to third reading be read a third time by this resolution and that all titles be the same as adopted, and that they be passed at the present time; and that when we adjourn, we adjourn until Wednesday, May 27, 1981 at 1:00 p.m.

Adopted.

LATE SESSION

RECONSIDERATION

Sen. Brown moved reconsideration on HB 668, HB 937 and HB 814.

Motion failed.

Sen. Chandler withdrew his notice of reconsideration on HB 78.

Third Reading and Final Passage

HB 764-FN, exempting certain ski area machinery and equipment from taxation as real property.

HB 558, extending the registration and certain other requirements of the condominium act to the sale of time sharing interest in condominiums created under RSA 479-A.

HB 772, concerning regional refuse disposal districts.

HB 669-FN, establishing a committee to propose a recodification to local government laws.

HB 137-FN, relative to sunset review of the board of optometry.

HB 139-FN, relative to the sunset review of the board of registration and podiatrists.

HB 149-FN, relative to sunset review of the electrolysis board.

HB 164-FN, relative to sunset review of the board of rehabilitation counselors.

HB 731-FN, relative to construction and inspection of public buildings.

HB 321-FN, making a special appropriation for the Candia-Raymond project.

HB 65-FN, providing for payment of a claim to Gregory Shost, administrator of the estate of Frances Shost, and making an appropriation therefor.

HB 384-FN, making an appropriation to pay the settlement agreement in the case of Nicholls v. New Hampshire.

HB 392-FN, making a supplemental appropriation to the office of attorney general to settle the case of Chasse v. Banas.

HB 452-FN, creating a committee to study the establishment of a contributory retirement system for all full-time district court justices and every justice of the probate, superior and supreme courts in the state of New Hampshire.

HB 668-FN, relative to the industrial development authority.

HB 937-FN, permitting the financing of upgrading, construction or repair of railroad lines by the industrial development authority.

HB 393, relative to housing finance agency and housing commission programs and plans for buildings using renewable energy systems.

HB 878-FN, relative to notification of certain nominees after a state primary election.

HB 331-FN, relative to the county jails maintained at Haverhill and Manchester.

HB 113-FN, relative to sunset review of the public utilities commission — common carriers.

HB 883-FN, creating an airport district between the city of Manchester and the town of Londonderry.

HB 262, requiring automatic fire warning systems in all new and existing single family dwellings completed or substantially rehabilitated after January 1, 1982.

HB 235, to allow the use of billing statements in making small loans.

HB 896-FN, requiring notice of the exemptions to the resident tax.

HB 837-FN, relative to water sewer works in the town of Troy.

HB 933, authorizing the financing of nonprofit nursing homes.

HB 466-FN, relative to funding domestic violence programs.

HB 500-FN, relative to library services to the handicapped.

HB 359-FN, providing for a statewide library development system.

Adopted.

Sen. Hough moved the Senate adjourn at 4:15 p.m.

Adopted.

Wednesday, May 27, 1981

The Senate met at 1:00 p.m.

A quorum was present.

The prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Help us Lord. Many times we need the wisdom of Solomon to accomplish our purpose in this Senate.

We are torn one way or another as we try to meet the needs and the challenges pro and con over the pending legislation!

Grant us we humbly beseech Thee Lord, the insight to act after prayerful consideration in and for the interest and benefit of all!

Amen

Senator Hough led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

HOUSE MESSAGES

HOUSE CONCURS

SB 178, relative to the rabies vaccination requirement.

SB 213, establishing treble damages for civil actions arising from improper hazardous waste disposal.

SB 196, relative to the composition of the administrative committee of the municipal and district courts.

SB 217, relative to false impersonation of state investigators.

SB 105-FN, increasing sheriffs' travel and per diem fees.

SB 112, providing a referendum to discontinue the office of the city manager in the city of Berlin.

SB 143, authorizing the Jackson water precinct in the town of Jackson to refinance current indebtedness and procure a farmers home administration loan.

SB 149, defining the powers and duties of district fire mutual aid systems.

SB 150-FN, authorizing special assessments to help finance public improvements in the city of Keene.

SB 173, authorizing special assessments to defray portions of the expense of a public parking facility in the city of Portsmouth.

SB 271-FN, legalizing the meeting of the Monadnock regional school district held March 7, 1981.

SB 201-FN, increasing the oil transfer fee from \$.01 per barrel to \$.015 per barrel.

SB 250-FN, relative to vending services in certain New Hampshire state parks.

SB 126, relative to the color of ballots used in absentee voting.

SB 192, relative to bulk sale transfers under the uniform commercial code.

SCR 11, relative to the deadline for bills awaiting an opinion of the justices.

HOUSE NONCONCURS

SB 312, to increase the penalty for the murder of certain public officials.

SB 108, requiring the change of village district boundaries to be initiated by a referendum of the registered voters of the district.

SB 216, relative to the membership and election of charter commissions and the effective date of charter revisions.

SB 273-FN, permitting municipalities to reject state mandates if adequate state funding is not supplied.

SB 276, providing for the recovery by counties of amounts expended in aid of certain paupers.

SB 175-FN, establishing a study committee to recommend solutions to the problems created by ice jams on the Connecticut River.

SCR 9, urging the Congress of the United States to amend the United States Constitution to prohibit federally mandated programs without federal funds.

SB 62, exempting certain candidates from the provision of RSA 658:24 and 659:58.

CACR 11, relating to the state mandating and assigning programs and responsibilities to towns, and other political subdivisions. Providing that funding shall accompany any such mandate or assignment.

SB 288, relative to tax warrants and extents.

SB 199, relative to simplification of language in life and health insurance policies.

HOUSE CONCURS WITH AMENDMENTS

HB 312, increasing the number of signatures needed to nominate a candidate by nomination papers.

HB 823-FN, relative to liens for town and county paupers' assistance against persons awarded civil judgments.

HB 25-FN, to permit the establishment of police commissions by town vote.

HB 895-FN, relative to requiring the contents of ballot packages to be inspected prior to election day and eliminating the rotation of names on ballots.

HB 270, relative to changing the date for submission of the Rockingham County Budget.

HOUSE REFERRED TO INTERIM STUDY

CACR 14, relating to the provision of counsel to indigent defendants at state expense. Providing that the general court establish the rate of payment for state appointed counsel.

SB 190, to expand the purposes for which interest on probation department funds may be expended.

SB 228-FN, amending the meals tax as applied to vending machines.

ENROLLED BILLS REPORT

HB 64, concerning the tax year for property taxes.

HB 283, relative to the support and custody of children.

HB 344, providing that only prevailing parties may receive attorney fees in removal proceedings for state officials.

HB 560, relative to the maximum amount of life insurance a creditor may hold on the life of a debtor.

HB 627, revising the credit union laws.

HB 643, relative to alternate justices serving on the review division of the superior court.

HB 813, relative to joint credit life insurance.

HB 832, eliminating the cause of action for alienation of affections of a spouse.

HB 835, establishing a procedure for extinguishment of mineral rights.

HB 859, relative to standards and requirements for emergency medical services.

HB 916, relative to reclassification of a highway in the town of Amherst.

SB 65, relative to borrowing for acquisition of agricultural land development rights.

SB 127, establishing the boundary line between the city of Franklin and the town of Northfield.

SB 136, legalizing the proceedings establishing the village district of Eastman and authorizing the issuance of certain bonds of the district.

SB 143, authorizing the Jackson water precinct in the town of Jackson to refinance current indebtedness and procure a farmers home administration loan.

SB 166, relative to the state ceiling on the aggregate amount of qualified mortgage bonds issued during a calendar year.

SB 185, relative to a special election in Hooksett.

SB 202, relative to deputizing airport managers as law enforcement officers.

CACR 6, Relating to: the right to bear arms. Providing that: all persons have the right to bear arms in defense of self, family, property and the state.

Sen. Lamontagne for the committee.

HOUSE NONCONCURS IN AMENDMENT REQUESTS A COMMITTEE OF CONFERENCE

HB 33, repealing provisions of the highway laws relating to repair of town highways by county commissioners.

The speaker has appointed Reps. Perry, Pepitone, Zimmerman and Day.

Sen. Mann moved to accede to the request of the House.
Adopted.

The Chair appoints Sens. Lamontagne, Mann and Rice.

HOUSE REQUESTS CONCURRENCE IN AMENDMENTS

SB 81, relative to the purchase of milk.

Sen. Wiggins moved Concurrence.
Adopted.

SB 187-FN, to establish an advisory committee for the regulation of lay-midwifery.

Sen. Roy moved Concurrence.
Adopted.

SB 215-FN, prohibiting the Cheshire county attorney from engaging in the private practice of law.

Sen. Champagne moved Concurrence.
Adopted.

SB 256-FN, establishing service charges for certain collections made through the board of probation.

Sen. Champagne moved Concurrence.
Adopted.

SB 103-FN, relative to notice requirements prior to parole hearings.

Sen. Champagne moved Concurrence.
Adopted.

SB 73, reinstating the corporate charter of Newfound Acres, Inc.

Sen. Conley moved Concurrence.
Adopted.

SB 114, legalizing the Richmond town meeting.

Sen. Conley moved Concurrence.
Adopted.

SB 71, relative to the statute of limitations on personal actions for slander.

Sen. Champagne moved to nonconcur with the House and requests a committee of conference.

Adopted.

The Chair appoints Sens. Bergeron, Champagne, and Boyer.

SB 47-FN, relative to election recounts.

Sen. Conley moved to nonconcur with the House and requests a committee of conference.

Adopted.

The Chair appoints Sens. Conley, Stabile, and Sanborn.

SB 75-FN, authorizing the regulation of hawkers and peddlers by towns.

Sen. Conley moved to nonconcur with the House and requests a committee of conference.

Adopted.

The Chair appoints Sens. Conley, Sanborn, and Stephen.

SB 79, requiring sessions for correction of the checklist before town meetings.

Sen. Conley moved to nonconcur with the House and request a committee of conference.

Adopted.

The Chair appoints Sens. Conley, Sanborn, and Rice.

SB 50, revising the manner of nominating certain candidates for special elections and providing a method of making appropriations therefor.

Sen. Conley moved to nonconcur with the House and requests a committee of conference.

Adopted.

The Chair appoints Sens. Conley, Sanborn, and Stabile.

SB 255-FN, relative to service charges on support payments collected by the board of probation.

Sen. Champagne moved to nonconcur with the House and requests a committee of conference.

Adopted.

The Chair appoints Sens. Champagne, Rice, and Lessard.

COMMITTEE REPORTS

Sen. Conley moved that HB 148-FN be removed from the table.

Adopted.

HB 148-FN, relative to sunset review of the electricians board. Ought to pass. Sen. Conley for the committee.

SEN. CONLEY: In yesterday's session HB 148-FN was laid on the table in courtesy to another Senator. We have since discussed the matter and have resolved all problems, therefore the committee asks the Senate to concur with the findings of the House.

Adopted. Ordered to third reading.

Sen. Wiggins moved that HB 701 be taken off the table.

Adopted.

HB 701-FN, relative to the powers of the water supply and pollution control commission. Inexpedient to legislate. Sen. Wiggins for the committee.

SEN. WIGGINS: We had a hearing on this bill and we recommend it be inexpedient to legislate. It conveys too much power to any one commission.

Adopted.

HB 911, relative to the place where records of a board of adjustment must be kept. Ought to pass with amendment. Sen. Kelly for the committee.

SEN. KELLY: This bill basically calls for the public availability to town records dealing with the board of adjustment. It was amended simply for a word change to read approved minutes. The committee took testimony, mostly in favor, one in opposition. We recommend ought to pass with amendment.

Amendment to HB 911

Amend RSA 31:68 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

31:68 Meetings of Board, etc. The board shall adopt rules in accordance with the provisions of the ordinances. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep approved minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the board and shall be a public record. Boards in towns that do not have an office of the board that has regular business hours shall file copies of its decisions with the town clerk.

Amendment adopted. Ordered to third reading.

HB 904, relative to conversion of seasonal dwellings. Inexpedient to legislate. Sen. Wiggins for the committee.

SEN. WIGGINS: This does nothing more but give the towns and cities the power of their health officers that they have now. We couldn't see any need of cluttering up the books with additional laws. Therefore we recommend inexpedient to legislate.

Adopted.

HB 794, concerning group licenses for dogs. Ought to pass. Sen. Kelly for the committee.

SEN. KELLY: Under present law people owning kennels obtain one license. This would simply, in a group license, see that each individual dog is licensed. If a dog gets away or lost it can be traced back easier and found. The committee recommends ought to pass.

Adopted. Ordered to third reading.

HB 750, relative to clarification of air resources commission procedures. Ought to pass. Sen. Freese for the committee.

SEN. FREESE: This bill simply clarifies the air resources commission procedures. There were four people testifying for the bill and none against. However, when we went into executive session we had problems with the part of the bill that increased the penalties for violations from \$5,000 to \$25,000. We had Dennis Lunderville, who is the Director of the Commission come back to answer questions. All this increase does is to allow the air resources commission larger fines in compliance with what the federal boys are doing, and it keeps them at arms length. The commission lost control of a couple of air resources violations because they were only able to fine them \$5,000 and the federal people came in and took over and they lost control of the company that they were trying to correct. It doesn't mean that the fine will be \$25,000, it means that it can be up to \$25,000. We approved that and the committee was unanimous that this bill ought to pass. We hope you will go along with the committee report.

Adopted. Ordered to third reading.

HB 366-FN, relative to the building projects revolving fund for technical and vocational-technical schools and making an appropriation for regional vocational education tuition and transportation. Majority report: Ought to pass. Minority report: Inexpedient to legislate. Sen. Blaisdell for the Majority; Sen. Chandler for the Minority.

SEN. BLAISDELL: There are two sections to this bill. The first section of the bill sets up a revolving fund for the Manchester vocational-technical college to construct a housing project for a house over there at their college. The House Appropriations Committee in its wisdom took the \$40,000 out the first year and the \$30,000 out the second year of the bill. The Senate Education Committee, in its wisdom, and I am sorry that the amendment is not here, we are going to send this to Finance, we in our wisdom amended the bill to \$30,000 each year to set up this revolving fund. After the house is built, of course, it is just like other revolving funds we set up a few years back, when it is sold it goes back into the fund and it keeps revolving. The second section of the bill addresses a problem that the Department of Education has. It is a supplemental appropriation for additional funds to pay tuition and transportation of regional vocational-educational students for the school year 1980-1981. The funds presently appropriated for this purpose were estimated on the basis of approximately 900 students being enrolled in the vo-tech programs. The Department reimburses school districts after each semester for these expenditures. As you know we have recently completed payment of the first semester reimbursement but there was 1,350 students all told, an increase of over 450 students. This is a large increase and it was not anticipated. There is a shortage of funds to complete the second semester reimbursement. This shortage has been calculated to be around \$223,000. Appropriations attached this amendment to this HB 366-FN and sent it to us in Senate Education and we recommend it ought to pass so the Senate Finance can take a hard look at this piece of legislation. I have talked to Sen. Bergeron about this and he is very receptive to receiving this type of legislation.

Sen. Chandler moved that the words "indefinitely postponed" be substituted for the Majority report of "ought to pass."

SEN. CHANDLER: The bill that we have here was the original House bill. As Sen. Blaisdell said, the House amended out the appropriation and let the bill go without an appropriation on that part of it. They also amended the bill further by adding a new section on the back for about \$230,000

for transportation and tuition. That was the part that I objected to, the \$230,000. I didn't object to the first part of the revolving fund, that seemed a reasonable thing to me because they would sell the building and get the money back and then put it back into another building. But I did object to the \$230,000 and I thought that should be amended out or the bill should be killed and not pass the buck to the Senate Finance Committee.

SEN. BLAISDELL: I rise in opposition to the motion of indefinite postponement. I think I tried to explain to the Senate the reasons for this appropriation. There is no way that they could have foretold how many students were going to reenroll in the vo-tech colleges. Here we are with an increase of over 450 students. I think this is a responsibility of the state. I beg of you people to send this into Finance so that the Finance Committee can take a hard look at it. I think we would not be accepting our responsibility if we just indefinitely postponed a piece of legislation that affects the children of our state. I oppose it heavily.

Roll Call requested by Sen. Blaisdell.

Seconded by Sen. Lessard.

The following Senators voted yes: Chandler, Wiggins, Monier, and Sanborn.

The following Senators voted no: Lamontagne, Conley, Freese, Hough, Bergeron, Blaisdell, Mann, Stabile, Boyer, Kelly, Rice, Podles, Stephen, Brown, Champagne, Lessard, Roy, Preston, and Splaine.

4 yeas 19 nays

Motion failed.

Adopted. Referred to Finance.

HB 576-FN, increasing to 8 the number of members from New Hampshire on the New England Board of Higher Education. Ought to pass. Sen. Chandler for the committee.

SEN. CHANDLER: This bill concerns the number of members from New Hampshire on the New England Board of

Higher Education. When the Board was formed in 1956 each state was allowed 8 members. Other states all appointed its 8 members but New Hampshire never appointed more than 3 members, so all these years New Hampshire has had 3 and the other New England states have had 8. This bill would make it so New Hampshire would have the number of people that they are entitled to and the number of people that the other states have. It will add 5 new members, one of whom would be the Chancellor of the University System, another one would be the President of Plymouth and Keene State Colleges, and then two representatives of private colleges in New Hampshire. The State Legislative member, the private citizen member, and the two members representing private colleges will receive per diem compensation. The other members, already being employees of the state, won't receive any compensation. That is what the bill does.

Adopted. Referred to Finance.

HB 733-FN, concerning the state college and university system. Ought to pass. Sen. Kelly for the committee.

SEN. KELLY: The main part of this bill is to increase from \$100,000 to \$500,000, the amount of money which the trustees may borrow with the consent of the Governor and Council. The committee recommends ought to pass.

Adopted. Ordered to third reading.

HB 742-FN, relative to aid to certain professional school students. Ought to pass. Sen. Lessard for the committee.

SEN. LESSARD: This bill deals with capitation fees in one part. The capitation fees, say a student going to Dartmouth to become a doctor, and if that student dropped out the student would be liable for the capitation money that the state had put up. Well Dartmouth now feels that it is responsible because it didn't choose the best qualified students. They say they are willing to pay the state back rather than having the student do that. The second part of this is the interest that students pay. The student faces three or four years of residency when he gets out of school and he would be allowed

to put off paying back the principal for three years but the interest would be accrued immediately upon graduation so that the state would receive the interest. The vote was unanimous and there was no opposition.

SEN. SANBORN: I would say that this bill has to be a pretty good bill if it has Sen. Lessard and myself both co-sponsoring it. I think it is a good bill and it may bring some money back to the state.

Adopted. Ordered to third reading.

HB 836-FN, providing for the forgiveness of capitation fees for certain veterinary graduates. Ought to pass. Sen. Kelly for the committee.

SEN. KELLY: When this legislation was passed the veterinary students, when they graduated, their capitation payments that had been made in their behalf, they had to pay all the payments back to the state. They were treated quite differently from the medical students. Other legislation made them the same, however, because the bill was passed after graduation and did not become a law until July, all those students were obligated to pay their capitation. This legislation just forgives the capitation payment, as was amended in the House, to make that date July 1, 1977 through July 1, 1979. So those students are the only ones affected by this. I don't see Sen. Sanborn or Sen. Lessard's name on this but I think it is also a good bill.

Adopted. Ordered to third reading.

HB 135-FN, sunset review of the dental board. Ought to pass with amendment. Sen. Conley for the committee.

SEN. CONLEY: The amendment as placed on HB 135-FN, sunset review of the dental board, basically changes the number of people on the board from 5 to 7. Other than that there were no additions or corrections.

Amendment to HB 135-FN

Amend RSA 317-A:2, I as inserted by section 3 of the bill

by striking out same and inserting in place thereof the following:

I. There shall be a board of dental examiners consisting of 7 members; including 5 dentists, one dental hygienist, and one public member, each to be appointed by the governor, with the approval of the council, to a term of 5 years. No member of the board shall be appointed to more than 2 consecutive terms. Only board members provided for in this paragraph shall have the authority to vote in board determinations.

Amendment adopted. Ordered to third reading.

HB 163-FN, relative to sunset review of the state board of auctioneers. Ought to pass with amendment. Sen. Conley for the committee.

SEN. CONLEY: What we did in HB 163-FN was to basically reconstitute the board of auctioneers in their former set-up, changing the number of members of the board and some of the bonding situations. Other than that it would remain the same.

Amendment to HB 163-FN

Amend the bill by striking out all after section 2 and inserting in place the following:

3 Board. Amend RSA 311-B:2 (supp) as inserted by 1969, 469:1 by striking out said section and inserting in place thereof the following:

311-B:2 State Board of Auctioneers.

I. There is hereby established a state board of auctioneers, the purpose of which shall be to advise and make recommendations to the secretary of state on matters pertaining to the administration of this chapter and to perform such other duties and functions as are prescribed herein. The board shall consist of 5 members, including 4 auctioneers and one public member, appointed by the governor with the advice of the council for terms of 3 years. Terms shall expire March 1. All board members shall be residents of this state.

II. The public member of the board shall be a person who is not, and never was, a member of the auctioneering profession or the spouse of any such person, and who does not and never has had, a material financial interest in either the provision of such professional services or an activity directly related thereto, including the representation of the board of profession for a fee at any time during the 5 years preceding appointment.

III. The board shall elect a chairman and secretary from among its members.

IV. All board members shall serve without compensation.

4 Bond. Amend RSA 311-B:8 (supp) as inserted by 1969, 469:1 by striking out said section and inserting in place thereof the following:

311-B:8 Bond. No license shall be granted hereunder until the applicant has filed with the secretary of state a bond in the sum of \$5,000, with sureties approved by the secretary of state, conditioned that he will properly account for and deliver to the person entitled, all moneys and things of value coming into his hands as an auctioneer and will conform to all laws relating to such auctions.

5 Effective Date. This act shall take effect July 1, 1981.

Amendment adopted. Ordered to third reading.

HB 361-FN, providing for the preservation of Rhododendron cottage. Ought to pass with amendment. Sen. Mann for the committee.

SEN. MANN: This is for the preservation of Rhododendron cottage in Fitzwilliam. All we did with this was to take the money out, they wanted \$25,000 to put it back together, we took the money out and had DRED do it with their own forces and restore it to a structurally sound building. Originally they took it apart and we feel that they should put it back together.

SEN. RICE: For freshmen Senators such as Sen. Podles and myself, can you please tell us what Rhododendron cottage is?

SEN. MANN: I can show you a picture of it. It is a cottage. It is also known as the Patch Place. It is in a state park.

Amendment to HB 361-FN

Amend the bill by striking out sections 3, 4, 5, and 6 and inserting in place thereof the following:

3 Method. The costs of materials and the services of specialists needed to plan and carry out the preservation shall be paid out of the operating budget of the department of resources and economic development. The department's force account crew shall be used to provide the labor. In keeping with the goal of preservation, salvagable materials which have been removed from the Rhododendron cottage shall be used in its rehabilitation. The department shall take steps to correct the site drainage problem and in other ways to prevent recurrence of damage from moisture and related insect and fungus infestations.

4 Priority. The commissioner of resources and economic development is hereby directed to set priorities and establish a schedule for the project, so that within 9 months of the effective date of this act, the cottage is rehabilitated to a sound structural condition.

5 Effective Date. This act shall take effect upon its passage.

Amendment adopted. Ordered to third reading.

HB 518-FN, establishing the capital budget overview committee as a statutory committee. Ought to pass with amendment. Sen. Sanborn for the committee.

SEN. SANBORN: Basically what the amendment does is even up the number of people on the committee between the House and the Senate. The bill itself establishes a capital budget overview committee as a statutory committee. The House has actually had the capital budget overview committee for a couple of terms now and in the last term they invited me as Chairman of the Capital Budget in the Senate, to sit in with them in their various meetings with Public Works on all the capital projects going on throughout the state. We found it very informative in being able to square away Public Works and in getting some of their projects completed much earlier, to be let out much earlier, and also to overcome some difficulties that have been discovered along the way in getting

the project started. We recommend passage of this bill. It is a good committee to get going. It is a good bill.

Amendment to HB 518-FN

Amend RSA 17-I:2 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

17-I:2 Membership and Organization. The members of the committee shall be:

- I. Chairman of the house public works committee;
- II. One other member of the house public works committee, appointed by the speaker of the house;
- III. Two members of the house appropriations committee, appointed by the speaker of the house;
- IV. Chairman of the senate capital budget committee; and
- V. Three other senators appointed by the president of the senate. The committee shall elect its own officers.

Amendment adopted. Ordered to third reading.

RECONSIDERATION

Sen. Lessard moved reconsideration on HB 742.
Adopted.

HB 742-FN, relative to aid to certain professional school students.

Sen. Roy moved that HB 742 be laid on the table.
Adopted.

HB 650-FN, concerning payments to the art fund from capital budget projects. Ought to pass with amendment. Sen. Sanborn for the committee.

SEN. SANBORN: The amendment can be found on page 12 of the Daily Calendar. It does about three different things. In going through it the bill specifies major additions and changes and so we have added it in the amendment. We have tried to define major, as a major addition or any addition which increases by 25% or more the square footage of the

building. That is part of the amendment. The second part of the amendment exempts the so-called fast track bill that passed earlier in the session and is now Chapter 99, and HB 727, the capital budget bill, which will be presented in the next week, from the $\frac{1}{2}$ of 1% of the contract. That is basically what the amendment does. It also says that contract projects that are excluded from the art fund or repairs to the University of New Hampshire system, those paid by highway funds, Fish and Game funds, or federal funds, and self-liquidating projects. Basically the self-liquidating projects is the part that has been added to the law. This is what the bill does and what the amendment does. We urge its passage. We do this on one principle reason, why we exempt the fast track bill and HB 727, it is because the debt service is so much that we have got to start overcoming it if we want to pass a balanced budget in about two weeks.

Amendment to HB 650-FN

Amend RSA 19-A:9, I as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

I. There is hereby established a non-lapsing art fund consisting of $\frac{1}{2}$ of one percent of the bid contract price of each new building or major addition authorized by the capital budget to be paid from the general fund. As used in this section, "major addition" means any addition which increases by 25 percent or more the square footage of the building to which it is being added. Contracts for the following projects are excluded:

- (a) Repairs;
- (b) University system of New Hampshire;
- (c) Those paid for by the highway fund, fish and game fund, or federal funds; and
- (d) Self-liquidating projects.

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Laws of 1981. The provisions of RSA 19-A:9 shall not apply to the so-called fast track capital budget enacted as

1981, 99 or any other law enacted by the 1981 session of the general court.

3 Effective Date. This act shall take effect upon passage.

Amendment adopted. Ordered to third reading.

HB 892-FN, an act establishing an office for children and youth. Refer to Interim Study with study results to be reported back to the legislature on January 1, 1983. Sen. Preston for the committee.

SEN. PRESTON: This bill would have established an office for children and youth, merging the Youth Development Center, the Commission on Children and Youth, and certain functions of the probation department. There was a lot of misunderstanding about this bill and as alleged by some of the proponents, some misinformation that was spread. I think that is true, in fairness to the advocates of this bill. It just appears that it is not ready or finished at this time. Our present situation as it deals with the children in the courts is in dire need of improvement. I think it was aptly stated by a letter of support that: "Kids have no political clout." When you have a program before you that costs money, sometimes the kids in need don't have a spokesman before us. Even some of the proponents that wrote in to us, one being the Chairman of the Criminal Justice Program, supports the bill in principle but suggests some changes. Some of the judges that are frustrated and discouraged by the present system see the need for this today. Other judges have written and opposed it. So it is clear that there is a lack of understanding and determination as to how this bill should be written to satisfy the need and the goal that we all seek. Therefore, the committee is recommending an interim study, that this bill actually be studied and not lie dormant, and a report be given back to the Legislature January 1, 1983.

SEN. KELLY: As a co-sponsor of this bill, as a trustee at the present Youth Development Center in Manchester, I understand the realities of the situation and am prepared to live with them. I can only call to all of you to join the sincere effort in the study to provide some direction on how we handle our young people in trouble in this state. The Youth Development Center is overcrowded. It will continue to be.

There are simply no alternatives out in the field now for judges. It is a frustrating situation to go to board meetings every month to find out that we have a revolving door policy. To hear the community holler that we need facilities, yet no strong effort is being made. So I call upon all of you to join in this interim study and to come forth with something so that we can help our young people through to their adult years, when they are in trouble.

Adopted, referred to Interim Study.

HB 894, to increase the minimum limits of motor vehicle liability insurance for bodily injury and to provide fair and reasonable compensation to citizens of New Hampshire injured by uninsured motorists. Ought to pass with amendment. Sen. Bergeron for the committee.

SEN. BERGERON: The amendment to HB 894 is found on page 12 of your Calendar. It increases the minimum financial responsibility from the current \$20,000 per person, \$40,000 per accident, to the \$25,000 single, \$50,000 maximum in any one accident. The second part of the bill simply tracks the uninsured motorist coverage with those same limits. It has raised them from \$20,000-\$40,000 to \$25,000-\$50,000.

SEN. BROWN: I cited a case to you the other day in relation to my son and his costs. What is this going to do to the cost of premiums in relative to this type of insurance for a vehicle.

SEN. BERGERON: First, we have basically always been in opposition to mandating coverages, you seem to get into some trouble every time we do it. Your basic cost is in the minimum. The increase in costs from \$20,000-\$40,000 to \$25,000-\$50,000 is probably \$5-\$6 depending on the driver. It's minimal. Most people today do not buy these kinds of limits, they are all far in excess of that.

SEN. BROWN: This does not cover collision, right?

SEN. BERGERON: No, this simply refers to bodily injury aspect.

SEN. LAMONTAGNE: Could you tell us what this could mean to the people that have to purchase the SR 22? Does that mean it is going to double up on the fees or what?

SEN. BERGERON: Oh no, it has nothing to do with the fees. What you are referring to Sen. Lamontagne, is the financial responsibility filing for someone who is in trouble for one reason or another. This bill doesn't affect them at all, really, because your charges are based on whatever the conviction is that they had that they have to file for the SR 22-4 plus \$10. That really has no bearing in here.

SEN. LAMONTAGNE: Right now, what is it \$10,000-\$25,000?

SEN. BERGERON: No, the current law is \$20,000-\$40,000, we are raising it to \$25,000-\$50,000.

SEN. LAMONTAGNE: \$25,000-\$50,000, that is going to increase the premiums.

SEN. BERGERON: Not really, because as I tried to explain to Sen. Brown, again it could depend on the territory that you live in, but I don't know, maybe \$5-\$6 a year. Your basic costs are in the lower limits. And as I explained to Sen. Brown, who buys \$20,000-\$40,000, who buys \$25,000-\$50,000, you would be foolish to drive an automobile on the highway with that kind of coverage. Most people are far in excess. This brings the financial responsibility section, the minimum requirements, up to date.

Amendment to HB 894

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

to increase the minimum limits of motor vehicle
liability insurance for bodily injury.

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Satisfaction of Financial Responsibility Requirements.
Amend RSA 268:10, I as amended by striking out in line 1 the number "\$20,000" and inserting in place thereof the following (\$25,000) so that said paragraph as amended shall read as follows:

I. When \$25,000 has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one person as the result of any one accident; or

Amend the bill by striking out sections 14 and 15 and inserting in place thereof the following:

14 Contingency Provision. Sections 5-7 of this act shall take effect provided HB 100, "An Act to recodify the motor vehicle laws," is enacted during the 1981 session of the general court. If HB 100 is not enacted during the 1981 session, sections 5-7 of this act shall not take effect.

15 Effective Date.

I. Sections 1-4 and 8 of this act shall take effect 60 days after its passage.

II. Sections 5-7 of this act shall take effect January 1, 1982, at 12:01 a.m.

Amend the bill by striking out sections, 4, 5, 6, 10, 11 and 12 and renumbering sections 7-9 and 13-15 to read as 4, 5, 6, 7, 8 and 9 respectively.

Amendment adopted. Ordered to third reading.

HB 173-FN, relative to sunset review of the department of employment security. Ought to pass with amendment. Sen. Freese for the committee.

SEN. FREESE: HB 173-FN is relative to sunset review of the department of employment security. The committee unanimously recommends ought to pass with amendment. This being a sunset bill I would like to review its legislative history. After an initial advertised hearing this bill was voted ought to pass 18-0 by the Labor Committee in the House as a straight extension under the sunset legislation of the department of employment security, as presently constructed. After being posted for House action the bill was called back by the leadership to be used as a vehicle for an extensive reorganization of the agency. These amendments, according to the testimony of members of the House committee, were never addressed as such but the bill was posted for rehearing

and then voted ought to pass with extensive reorganizing amendments by a vote of 12-6. There are four main areas with respect to the House amendments. The first is the Commissioner's term; the second the removal of the legal staff from the department into the Attorney General's office; and the third change is in the method of appointing the advisory council; the fourth, the present exemption from RSA 91-A, the right to know law. The Senate Insurance Committee, after receipt of the bill, held two fully advertised hearings, at which several House Labor Committee members appeared to testify, besides the bill's sponsors. One member testified for the bill as amended, the rest testified against the amendments. I believe that those opposed were either five or six House Labor Committee members. A representative of two major business groups testified against the amendments. No one appeared to testify for organized labor, or the New Hampshire Bar Association. The Governor's office, the Attorney General, and the lobbyists for the New Hampshire Legal Assistance were the principle proponents. After careful reading of the sunset report, it clearly shows that certain interest groups, for their own purposes, are determined to reorganize the department of employment security. In spite of statements in the report which say, "According to comparative data published by the federal government, the Department of Employment Security operates one of the most efficient unemployment compensation programs in the nation. The Department of Employment Security is above the national average in various measures of eligibility, determination and accuracy, promptness of payments, and the department of administration. In addition, the DES trust fund from the unemployment compensation benefits, from which the unemployment compensation benefits are paid, has been described as one of the best administrated in the country." A fair summary of the testimony presented to our committee would be: many allegations of malfeasants made by proponents of reorganization but little factual proof was presented. While the opponents of the reorganization amendments pointed out, they demonstrated effectiveness of the department in general and suggested, if it ain't broke, don't fix it. So what the committee has recommended unanimously is to change the term to five years, and we have scratched the rest of the amendments, which we put into an amendment of our own

to pass with amendment. We recommend you vote with the committee report.

Amendment to HB 173-FN

Amend the bill by striking out all after section 2 and inserting in place thereof the following:

3 Commissioner's Term. Amend RSA 282:9, C, as amended by striking out said paragraph and inserting in place thereof the following:

C. TERM OF COMMISSIONER. The commissioner shall hold office for 5 years from the date of his appointment and until his successor is appointed and qualified.

4 Term of Incumbent Commissioner. Section 3 of this act shall not take effect until the incumbent commissioner of employment security shall cease to hold that office.

5 Effective Date. This act shall take effect upon its passage.

Amendment adopted. Ordered to third reading.

Sen. Preston wishes to be recorded as voting against HB 173-FN.

HB 770-FN, relative to insurance contracts and medical assistance and medicaid claims. Ought to pass with amendment. Sen. Freese for the committee.

SEN. FREESE: This bill requested by the Division of Welfare, prohibits accident and health insurance contracts from containing any provision which denies or limits benefits because of services that are rendered to an insured who is eligible or who receives medical assistance from the state. The amendment as it has been adopted is in the calendar. It was a unanimous vote by the committee that it ought to pass with amendment. We hope you will vote with the committee.

Amendment to HB 770-FN

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to insurance contracts and medical assistance and medicaid claims, relative to the release of certain information held by an insurance company and relative to insurance transactions through credit card facilities.

Amend the bill by striking out section 4 and inserting in place thereof the following:

4 Requests for Information from Domestic Insurance Companies. Amend RSA 402 by inserting after section 76 the following new section:

402:77 Request for Information.

I. Any law enforcement investigator may request an insurance company to release any information in its possession relative to the disappearance, theft or loss of any motor vehicle, or other person property. The insurance company shall release the information and cooperate with any official authorized to request such information and cooperate with any official authorized to request such information pursuant to this section. The information may include but not be limited to:

- (a) Any relevant insurance policy;
- (b) Policy premium payment records;
- (c) History of previous claims made by the insured for the theft, loss or disappearance of any motor vehicle or other personal property;
- (d) Any other material relating to the investigation of the theft, loss or disappearance.

II. If an insurance company has reason to suspect that a theft, loss or disappearance of a motor vehicle or other personal property in the amount of \$500 or more was caused by other than accidental means, the company shall notify the local or state law enforcement authorities and furnish them, either through a recognized bureau or organization of companies or through the secretary or other officer of the insurance company, with all relevant material acquired during its investigation of the theft, loss or disappearance of a motor vehicle or other personal property. The insurance company shall cooperate with and take such reasonable action as may be requested of it by any law enforcement agency, and permit

any person so ordered by a court to inspect any of its records pertaining to the policy and the loss.

III. In the absence of fraud or malice, no public official or insurance company or person who furnishes information on behalf of the insurance company shall be liable for damages in a civil action or subject to criminal prosecution for any oral or written statement made or any other action taken that is necessary to supply information required pursuant to this section.

IV. The recipient of any information furnished pursuant to this section shall hold the information in confidence, and shall only release it to a law enforcement authority or agency or to the insurance department, until such time as its release is required pursuant to a criminal or civil proceeding.

V. An insurer or other person licensed by the insurance department who fails to comply with this section may be subject to administrative action to be taken by the insurance commissioner. The penalty imposed by the commissioner may include a fine not exceeding \$2,500 in the discretion of the insurance commissioner, or suspension or revocation of such insurer's license, or both.

5 Request for Information from Foreign Insurance Companies. Amend RSA 405 by inserting after section 60 the following new section:

405:61 Request for Information.

I. Any law enforcement investigator may request an insurance company licensed under this chapter to release any information in its possession relative to the disappearance, theft or loss of any motor vehicle, or other personal property. The insurance company shall release the information and cooperate with any official authorized to request such information pursuant to this section. The information may include but not be limited to:

- (a) Any relevant insurance policy;
- (b) Policy premium payment records;
- (c) History of previous claims made by the insured for the theft, loss or disappearance of any motor vehicle or other personal property;
- (d) Any other material relating to the investigation of the theft, loss or disappearance.

II. If an insurance company has reason to suspect that a theft, loss or disappearance of a motor vehicle or other personal property in the amount of \$500 or more was caused

by other than accidental means, the company shall notify the local or state law enforcement authorities and furnish them, either through a recognized bureau or organization of companies or through the secretary or other officer of the insurance company, with all relevant material acquired during its investigation of the theft, loss or disappearance of a motor vehicle or other personal property. The insurance company shall cooperate with and take such reasonable action as may be requested of it by any law enforcement agency, and permit any person so ordered by a court to inspect any of its records pertaining to the policy and the loss.

III. In the absence of fraud or malice, no public official or insurance company shall be liable for damages in a civil action or subject to criminal prosecution for any oral or written statement made or any other action taken that is necessary to supply information required pursuant to this section.

IV. The recipient of any information furnished pursuant to this section shall hold the information in confidence, and shall only release it to a law enforcement authority or agency or to the insurance department, until such time as its release is required pursuant to a criminal or civil proceeding.

V. An insurer or other person licensed by the insurance department who fails to comply with this section may be subject to administrative action to be taken by the insurance commissioner. The penalty imposed by the commissioner may include a fine not exceeding \$2500 in the discretion of the insurance commissioner, or suspension or revocation of such insurer's license, or both.

6 Typographical Error Corrected.. Amend RSA 402:15-a, III (supp) as inserted by 1973, 257:1 as amended by striking out said paragraph and inserting in place thereof the following:

III. The provisions of this section shall not apply to group or individual policies of accident insurance written by insurance companies duly authorized to do business in this state. However, any individual policies of accident insurance must be placed through agents who are residents of this state and who are licensed to transact business in this state.

7 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted. Ordered to third reading.

HB 112-FN, relative to sunset review of the public utilities commission — administration and support. Ought to pass. Sen. Brown for the committee.

SEN. BROWN: HB 112-FN is a sunset in relation to the public utilities administration. We are passing it exactly as it came to us from the House. What they have done is they have made them subject to the administrative procedures act, they have transferred the consumer advocates office over to the PUC, and they have set up nine different departments that they will follow in their administrative duties.

Adopted. Ordered to third reading.

Sen. Sanborn in the Chair.

HB 116-FN, relative to sunset review of legislative utility consumer's council. Ought to pass with amendment. Sen. Brown for the committee.

SEN. BROWN: What this does is it terminates the LUCC. It transfers all records, property and everything, over to the PUC, and also the systems analyst's junior position is transferred over there.

Amendment to HB 116-FN

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Transfer of Records, Property, Funds, and Personnel.

I. All of the records, property, and funds subject to the control of the consumer advocate under the legislative utility consumers' council are hereby transferred to the public utilities commission.

II. The position of junior financial analyst, job number 860775, under the legislative utility consumers' council is hereby transferred to the public utilities commission.

Amendment adopted. Ordered to third reading.

HB 363-FN, to implement the voluntary comprehensive health education model curriculum and making an appropriation therefor. Inexpedient to legislate. Sen. Roy for the committee.

SEN. ROY: HB 363-FN requires the advisory council on the comprehensive health education to aid in the department of education in developing plans for implementing a model program and for training teachers to use the program. The program that was presented to us was in fact a catalog of available books and films that would be available for the comprehensive health education model. There was a great deal of consternation in the people who appeared before the committee, ninety-nine percent in opposition. It was apparent to the committee that the catalog has been developed, that it is available to school districts in the Department of Education and as such would be available to them. So we felt that there was not the need for HB 363-FN.

Adopted.

HB 615, relative to involuntary admission and involuntary emergency hospitalization. Ought to pass. Sen. Roy for the committee.

SEN. ROY: In HB 615 the office of the sheriff in any county in which a person is located who is to be taken into custody, in accordance with 135:b 20, which is the involuntary emergency act, now states specifically that it will be the sheriff in the county who will give that assistance. I hope you will support the committee report.

Adopted. Ordered to third reading.

HB 774-FN, creating a commission to study the settlement laws and the public welfare system. Ought to pass with amendment. Sen. Roy for the committee.

SEN. ROY: HB 774-FN has been amended to include an additional Senate member to that committee to study, and as well has removed the section of the bill that was written in the House that would have them investigate the depart-

ment of welfare. HB 170, which has passed both Houses, is setting up an oversight committee to do just that, not to investigate but to work with them to see, in fact, how they are going to be expending their dollars, what are the proportions of administrative costs as opposed to the programs available to the constituents' need. The committee was unanimous in its support of these amendments and we hope you will concur that it ought to pass with amendment.

Amendment to HB 774-FN

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

creating a committee to study
the settlement laws.

Amend sections 1 and 2 of the bill by striking out same and inserting in place thereof the following:

1 Committee Created.

I. There is hereby created a commission to study the settlement laws. The members of the committee shall be:

- (a) The director of the division of welfare or his designee;
- (b) The executive director of the New Hampshire municipal association or his designee;
- (c) The executive director of the New Hampshire association of counties or his designee;
- (d) The executive director of the New Hampshire local welfare administrators' association or his designee;
- (e) 3 members of the house of representatives appointed by the speaker of the house; and
- (f) 3 members of the senate appointed by the president of the senate.

II. The members of the committee shall elect their own chairman.

2 Duties of the Committee; Report.

I. The committee shall study the settlement laws of New Hampshire and other laws which determine the liability of towns and counties for poor persons.

II. The committee shall submit a report to the presiding officers of the general court no later than December 1, 1982. The report shall describe the activities of the committee and, if appropriate, make recommendation for legislation.

Amendment adopted. Ordered to third reading.

HB 831, relative to Wentworth-Douglas hospital in Dover. Ought to pass. Sen. Roy for the committee.

SEN. ROY: The committee agreed to take the public hearing to the city of Dover, because in fact it does impact on Dover and surrounding communities, the action of the committee. Relative to the Wentworth-Douglas hospital in Dover receiving a new corporate charter from the State of New Hampshire. Back in, I believe, 1907, the Legislature did create the hospital by specific legislative enactment and now it will be separating that charter. I think I will defer to Sen. Lessard.

SEN. LESSARD: First I would like to thank the committee for coming down to Dover. I understand the work schedule that they were under at that time. I do appreciate them coming down and taking the time to hear the citizens of Dover speak to this issue. Currently the Wentworth-Douglas hospital is neither fish nor fowl. It is neither a city-owned municipal hospital nor a non-profit community hospital. This legislation would create a new corporate charter which would make it a non-profit community hospital like the other 24 across the state. The Wentworth-Douglas Hospital is the last. The reason that it has been embroiled in several court cases in recent years is because it still has some strings attached to Dover. For example, the City Manager appoints the five-member board of trustees. Under this legislation there would be a board of sixty incorporators made up from a broad spectrum of both Dover, with forty incorporators, and twenty from the outside communities. The twenty members of the board of incorporators would represent the 68% of patients that now use Dover's Wentworth-Douglas hospital as its own community hospital. So it recognizes the realities of a situation, which is that Dover's Wentworth-Douglas Hospital is a non-profit community hospital, like the other 24, with only certain strings attached. We urge you to vote yes on the committee report.

Adopted. Ordered to third reading.

HB 665, relative to court procedures. Ought to pass with amendment. Sen. Lessard for the committee.

SEN. LESSARD: HB 665 is sort of a sunset committee report, in a sense. In the last session we passed a bill making the Supreme Court the administrative head of the court system and they started making rules and regulations that are currently in the statutes. This bill would repeal those statutes and allow the rules that the Supreme Court hands down to be what rules the court. We ask your support of this legislation.

Amendment to HB 665

Amend the bill by striking out paragraph XII as inserted by section 3 and renumbering the original paragraphs XIII, XIV, XV, XVI, XVII, XVIII, XIX, XX, XXI, XXII, XXIII, XXIV, XXV, XXVI, XXVII, and XXVIII to read as XII, XIII, XIV, XV, XVI, XVII, XVIII, XIX, XX, XXI, XXII, XXIII, XXIV, XXV, SSVI, and XXVII, respectively.

Amendment adopted. Ordered to third reading.

HB 747, relative to the adoption of the model professional corporation act. Ought to pass. Sen. Champagne for the committee.

SEN. CHAMPAGNE: This bill is on the fix side. It is model legislation concerning professional corporations. It has been studied for the last two years. A bar association has looked at this. Everybody concerned with professional corporations, I am told, has looked at this legislation. There was no opposition at the hearing and we recommend ought to pass.

Adopted. Ordered to third reading.

HB 919, relative to amounts recoverable in suits for unfair methods of competition and unfair or deceptive trade practices. Ought to pass. Sen. Chandler for the committee.

SEN. CHANDLER: This bill revises provisions authorizing private actions of unfair methods of competition and unfair or deceptive trade practices. It allows the award to be double or triple that could be awarded to the party that was grieved. That is the chief feature of it. It allows it to be double or triple the amount of damages. The bill, in addition, expressly provides for the coverage of attorney's fees. The present law allows the plaintiff to cover actual damages and exemplary damages of up to \$100 and all reasonable costs and expenses. The committee vote was unanimous.

Adopted. Ordered to third reading.

HB 706, eliminating the requirement that motions and affidavits for summary judgment be sent to parties. Inexpedient to legislate. Sen. Champagne for the committee.

SEN. CHAMPAGNE: There is an identical Senate bill, not in language but in concept, that has already been passed in the Senate, it has also passed in the House. That is the reason for the inexpedient to legislate on this bill.

Adopted.

HB 581, providing for community work as an alternative sentence. Ought to pass. Sen. Chandler for the committee.

SEN. CHANDLER: This bill authorizes by law a practice that has become quite common now. That is that instead of fining someone so many dollars the judge can, as a condition for probation, have him do community work for a charitable or non-profit organization. That is being done now and this simply legalizes it.

Adopted. Ordered to third reading.

HB 634, relative to the transfer of prisoners for psychological, psychiatric, counseling or rehabilitative services. Interim study. Sen. Champagne for the committee.

SEN. CHAMPAGNE: This bill involves the procedure that is followed in the transfer of prisoners between the State

Prison, county jails, and the State Hospital. No one could agree at the hearing, I'm talking about the State Prison and the State Hospital, on what procedure should be followed. They are trying to legislate the procedure. Thus the reason for the committee's recommendation of interim study.

Adopted.

HB 641, relative to the use of deadly force. Ought to pass. Sen. Champagne for the committee.

SEN. CHAMPAGNE: This bill was requested by the Attorney General's office. It is an attempt to codify into law what actually happens today under current state law through various court decisions. There was no opposition to the bill. The police testified for the bill, the Attorney General testified for the bill. We recommend its passage.

Adopted. Ordered to third reading.

HB 680, providing for the restitution to victims of crimes. Ought to pass. Sen. Chandler for the committee.

SEN. CHANDLER: This bill allows the court to order restitution to a victim of a crime. Sometimes we feel that the courts have more concern for the criminal than they do the victim. This is a bill in the other direction. The judge can order restitution either in monetary value or in work value. It establishes some guidelines by which the judiciary will authorize the restitution measures.

Adopted. Ordered to third reading.

HB 632-FN, redefining the extended authority agreement for the rendering of mutual aid by police departments. Ought to pass. Sen. Podles for the committee.

SEN. PODLES: HB 632-FN clarifies and redefines existing statutes. Under this bill it specifically states that the requesting police department can, one time, in writing, set forth conditions under which they want to respond to another community to give police assistance. The bill will eliminate

court problems that some of the police departments have. There was no opposition to the bill and the committee recommends ought to pass.

Adopted. Ordered to third reading.

HB 654, creating county commissioner districts in Strafford County. Inexpedient to legislate. Sen. Podles for the committee.

SEN. PODLES: HB 654 creates county commissioner districts in Strafford County. Testimony revealed that Strafford residents do not concur with this legislation and recommended that it be inexpedient to legislate. The committee is in agreement.

Adopted.

HB 663-FN, relative to the Copple Crown village precinct in New Durham. Ought to pass. Sen. Podles for the committee.

Adopted. Ordered to third reading.

HB 686-FN, concerning the form of the property tax inventory blank. Ought to pass. Sen. Podles for the committee.

SEN. PODLES: HB 686-FN makes some changes on the property tax inventory form in a way which is more convenient. It will simplify it and it will be clearly legible for the tax payer. One signature rather than three will be required. The committee urges ought to pass.

Adopted. Ordered to third reading.

HB 726, legalizing a vote by the town of Hinsdale to transfer direction and control of the water and sewer department to the selectmen. Ought to pass with amendment. Sen. Podles for the committee.

SEN. PODLES: HB 726 legalizes the vote of the Hinsdale town meeting of 1981, repealing the 1933 act and allowing the selectmen to run the water and sewer departments. The amendment validates all actions of the Milford School District held on March 21, 1981. The committee recommends ought to pass with amendment.

Amendment to HB 726

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

legalizing a vote by the town of Hinsdale and
legalizing actions taken at the annual meeting
of the Milford school district.

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Milford School District. All acts, votes, and proceedings of the annual school district meeting of the Milford school district held on March 21, 1981, are hereby legalized, ratified, and confirmed.

3 Effective Date. This act shall take effect upon its passage.

Amendment adopted. Ordered to third reading.

HB 928-FN, relative to registers of deeds. Ought to pass. Sen. Podles for the committee.

SEN. PODLES: HB 928-FN is a housekeeping bill. It consolidates existing statutes and many of the current statutes are repetitive and obsolete. It brings Carroll and Coos Counties in line with the rest of the state. The \$1 increase for reporting fee will cover the inflationary costs of the equipment, paper, postage and etc. The committee recommends ought to pass.

Adopted. Ordered to third reading.

Sen. Lessard moved to take HB 742 off the table.
Adopted.

HB 742-FN, relative to aid to certain professional school students. Ought to pass.

SEN. LESSARD: I move that HB 742 be ordered to third reading and final passage.

SEN. CONLEY: Sen. Lessard have you reached an agreement with Sen. Roy?

SEN. LESSARD: Sen. Roy went through the RSA's and found that the reference made in the bill repeals a redundant part of the statute. She is happy with the findings.

Adopted. Ordered to third reading.

Sen. Monier in the Chair.

ANNOUNCEMENTS

Sen. Conley moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills ordered to third reading be read a third time by this resolution and that all titles be the same as adopted, and that they be passed at the present time; and that when we adjourn, we adjourn until Thursday, May 28, 1981 at 1:00 p.m.

Adopted.

LATE SESSION

Third Reading and Final Passage

HB 148-FN, relative to sunset review of the electricians board.

HB 911, relative to the place where records of a board of adjustment must be kept.

HB 794, concerning group licenses for dogs.

HB 750, relative to clarification of air resources commission procedures.

HB 733-FN, concerning the state college and university system.

HB 836-FN, providing for the forgiveness of capitation fees for certain veterinary graduates.

HB 135-FN, sunset review of the dental board.

HB 163-FN, relative to the sunset review of the state board of auctioneers.

HB 361-FN, providing for the preservation of Rhododendron cottage.

HB 518-FN, establishing the capital budget overview committee as a statutory committee.

HB 650-FN, concerning payments to the art fund from capital budget projects.

HB 894, to increase the minimum limits of motor vehicle liability insurance for bodily injury and to provide fair and reasonable compensation to citizens of New Hampshire injured by uninsured motorists.

HB 173-FN, relative to sunset review of the department of employment security.

HB 770-FN, relative to insurance contracts and medical assistance and medicaid claims, relative to the release of certain information held by an insurance company and relative to insurance transactions through credit card facilities.

HB 112-FN, relative to sunset review of the public utilities commission — administration and support.

HB 116-FN, relative to sunset review of legislative utility consumer's council.

HB 615, relative to involuntary admission and involuntary emergency hospitalization.

HB 774, creating a committee to study the settlement laws.

HB 831, relative to Wentworth-Douglas hospital in Dover.

HB 665, relative to court procedures.

HB 747, relative to the adoption of the model professional corporation act.

HB 919, relative to amounts recoverable in suits for unfair methods of competition and unfair or deceptive trade practices.

HB 581, providing for community work as an alternative sentence.

HB 641, relative to the use of deadly force.

HB 680, providing for the restitution to victims of crimes.

HB 632-FN, redefining the extended authority agreement for the rendering of mutual aid by police departments.

HB 663-FN, relative to the Copple Crown village precinct in New Durham.

HB 686-FN, concerning the form of the property tax inventory blank.

HB 726, legalizing a vote by the town of Hinsdale and legalizing actions taken at the annual meeting of the Milford school district.

HB 928-FN, relative to registers of deeds.

HB 742-FN, relative to aid to certain professional school students.

Adopted.

Sen. Freese moved the Senate adjourn at 3:40 p.m.

Adopted.

Thursday, May 28, 1981

The Senate met at 1:00 p.m.

A quorum was present.

The prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Grant us the courage, Lord, to stand firm upon the foundations handed down to us by the patriots of this country.

May that spirit which filled the hearts and minds of the molders and builders of our country — giving their all for the maintenance of life, liberty and the pursuit of happiness — continue to inspire us as we gather to maintain these same principles in our own time and age!

Help us, Lord!

Amen

Senator Stabile led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

SEN. MONIER: I would like to introduce Robert McCormick and his lovely wife, Eleanor, now living in Newmarket. Bob is an internationally known and acclaimed illustrator who has worked in public relations for several Canadian Prime Ministers, developed numerous national corporate public relations programs, and has done assignments for *Time*, *Life*, *Fortune*, *Sports Illustrated*, and other well known publications. It is a pleasure to welcome you to the New Hampshire State Senate.

ENROLLED BILLS REPORT

HB 65, providing for payment of a claim to Gregory Shost, administrator of the estate of Frances Shost, and making an appropriation therefor.

HB 102, relative to the chemical analysis of substances seized as physical evidence in certain drug offenses and its use at trial.

HB 384, making an appropriation to pay the settlement agreement in the case of Nicholls v. New Hampshire.

HB 392, making a supplemental appropriation to the office of attorney general to settle the case of Chasse v. Banas.

HB 433, revising the tobacco tax laws.

HB 520, authorizing cities and towns to close restaurants and other food serving establishments for health code violations.

HB 936, establishing a resident super sportsman combination hunting and fishing license for an additional fee.

SB 188, relative to work release at the state prison.

Sen. Lamontagne for the committee.

ENROLLED BILLS AMENDMENT

SB 22, relative to relocation payments as a result of persons displaced from their property for highway development. Sen. Wiggins for the committee.

SEN. WIGGINS: This amendment corrects the numbering of the sections affected to correspond with the recodification of the highway laws.

Enrolled Bill Amendment to SB 22

Amend section 1 of the bill by striking out line 1 and inserting in place thereof the following:

1 Relocation Payments. Amend RSA 230:36 by inserting after paragraph

Amend section 2 of the bill by striking out line 1 and inserting in place thereof the following:

2 Repeal. RSA 230:36, III(c), relative to actual reasonable expenses,

Amendment adopted.

COMMITTEE REPORTS

HB 796, relative to gasoline franchises. Interim Study. Sen. Lamontagne for the committee.

SEN. LAMONTAGNE: The Transportation Committee felt that this bill should be studied a little more because of the information that we did receive. There are more facts that need to be produced and we felt that if it was sent to interim study that the opportunity of reviewing it would aid us in making a better decision than we can at this time.

Adopted.

HB 225, relative to elected planning boards. Ought to pass with amendment. Sen. Wiggins for the committee.

SEN. WIGGINS: We heard this bill in committee and it was recommended by William Hoffman, Office of State Planning, that we amend the bill. He endorsed this version of the amendment. We recommend passage.

Amendment to HB 225

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Planning Board Personnel; Appointment of Ex Officio Member in Towns. Amend RSA 36:4, II (supp) as inserted by 1975, 228:1 as amended by striking out said paragraph and inserting in place thereof the following:

II. In the case of towns, the planning board shall consist of either 5 or 7 members, at the option of the town meeting, and the membership may be filed as provided in subparagraph (a), (b), or (c).

(a) the selectmen of the town may choose one selectman to act as an ex officio member, and appoint 4 or 6 other per-

sons, depending upon whether the entire planning board includes 5 or 7 members, respectively.

(b) Towns of 15,000 or more in population by majority vote at the town meeting, may decide to elect the members of the planning board. If such a procedure is adopted at the town meeting, the planning board members shall be elected at the next regular town election as provided in RSA 669:17.

(c) All other towns by majority vote at the town meeting, may decide to elect 4 or 6 members of the planning board, depending upon whether such board consists of 5 or 7 members, and the selectmen of the town may choose one selectman to act as an ex officio member. The members to be elected shall be elected at the next regular town election, as provided in RSA 669:17.

2 Election of Planning Board Members. Amend RSA 36:4 by inserting after paragraph IV the following new paragraph:

V. In the case of towns having voted to elect planning board members, such decision shall remain in effect.

3 Terms of Elected Planning Board Members. Amend RSA 36:5 by inserting after paragraph II the following new paragraph:

III. The terms of elected members of the planning board shall be those terms established by the town, by majority vote at the town meeting, deciding to elect the members of the planning board. The term of any member elected to fill the expired term of an ex officio member shall be 3 years.

4 Filling of Planning Board Vacancies by Selectmen. Amend RSA 36:7 (supp) as amended by striking out said section and inserting in place thereof the following:

36:7 Filling of Vacancies in Membership. Vacancies in the membership of a planning board occurring otherwise than through the expiration of a term shall be filled for the duration of the unexpired term, except if a vacancy occurs for an elected member pursuant to paragraph IV, then that vacancy shall be filled by the planning board until the next election, all other vacancies shall be filled by the:

I. Mayor for members selected or appointed by him.

II. Council in the case of a councilmanic member.

III. Appointing power which has been designated by the council in municipalities in which the mayor is not an elective officer.

IV. Selectmen for members selected or appointed by them. The planning board for all elected members or members required to be elected.

V. District commissioners for members selected or appointed by them.

5 Filling Vacancies in Town Offices. Amend RSA 669:61 (supp) as inserted by 1979, 410:1 by striking out said section and inserting in place thereof the following:

669:61 Vacancies in Town Offices.

I. Whenever a vacancy as defined in RSA 652:12 occurs in any elective town office or whenever a town neglects or refuses to fill an elective town office, said vacancy shall be filled by the action of that body or person authorized by law to appoint or elect such officer for a term ending upon the election and qualification of his successor, unless otherwise provided. Unless otherwise provided, at said next annual town election, the voters of the town shall then elect an officer for the full term provided by law or the balance of an unexpired term provided by law, as the case may be. If a town then refuses or neglects to fill said office, a vacancy shall be deemed again to exist.

II. No vacancy shall exist in the case of a contested election or recount, until the rendering of a final judgment by a court of competent jurisdiction or by the ballot law commission as to such contested election in accordance with RSA 652:12, V, or until the recount has been concluded.

6 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted. Ordered to third reading.

HJR 2, to establish a state policy on energy. Ought to pass with amendment. Sen. Wiggins for the committee.

SEN. WIGGINS: We had a hearing on HJR 2. We saw it needed some amendments. We amended it and we urge passage.

Amendment to HJR 2

Amend the resolution by striking out all after the title and inserting in place thereof the following:

Whereas, the production and use of energy is essential to the economic, social, and physcial well-being of New Hampshire and its people; and

Whereas, New Hampshire citizens have deep concerns about their energy future and the respective roles of the individual citizen, and local and state government, in the formulation of energy policy; and

Whereas, the dependence on imported, non-renewable energy resources creates a steady economic drain, leaves the state vulnerable to increasing energy prices and possible supply shortages, and places a severe burden on all people but especially those with low and fixed incomes; and

Whereas, in recent years the pattern of energy consumption and growth rates demonstrate an increasing dependence upon and demand for imported nonrenewable energy sources; and

Whereas, by the passage of House Concurrent Resolution No. 6, the house and senate have recognized the need to hold down the cost of future electricity by the speedy completion of the Seabrook nuclear power station; and

Whereas, numerous public and private studies and practical demonstrations indicate that New Hampshire can save substantial amounts of energy through conservation and increased energy efficiency without adverse effect on the personal quality of life or economic productivity; and

Whereas, New Hampshire's renewable energy resources can provide substantial amounts of energy through an economically feasible and environmentally acceptable development program for both the public and the private sectors; now, therefore, be it

Resolved by the Senate and the House of Representatives in General Court convened:

To initiate and foster the orderly development of a productive and self-reliant energy policy, the state of New Hampshire, through its appropriate agencies, municipalities and citizens, shall pursue the achievement of the following goals and designated policies with which to implement them:

I. Reduce the state's dependency on imported oil.

(a) Reduce use of imported petroleum and provide economical electricity for New Hampshire by bringing all available electrical generating facilities, with adequate safeguards, into full operation as soon as possible. The state should seek

to assure that an approvable emergency response plan for the public be completed expeditiously in order to avoid potential licensing delays.

(b) Regulation of energy extracting businesses should be simplified and made less intrusive to present an attractive climate for needed investment in exploration and production, while protecting the environment and natural resources.

(c) Substitute domestic coal for imported oil while protecting the quality of the air and water from significant deterioration. Conversion of oil-fired burners to coal should be encouraged by federal programs and through economic incentives at the state level.

(d) Assure energy conservation by allowing the real costs of energy to be reflected in the prices paid by consumers.

(1) Energy prices should not be controlled at artificial levels.

(2) Utility rates should also reflect actual costs of service.

II. To insure proper energy planning and comprehensive studies about:

(a) Present and future energy demand in the state;

(b) The potential of various conservation and energy efficiency measures to reduce that demand;

(c) The potential supply of energy from renewable resources which could contribute to meeting the demand; and

(d) The development of a statewide emergency energy conservation and utilization plan.

III. Provide for the maximum economically and environmentally sound use of New Hampshire's renewable energy resources, including solar, wood, wind, hydro and solid waste.

(a) Encourage the use of solar and wind energy as an alternative or supplement or both to conventional energy resources to the maximum extent practical. The issues of solar access and the impact of zoning laws on solar and wind power should be investigated. Legislation should be passed to remove barriers and provide incentives for the use of solar and wind energy.

(b) Encourage the utilization of the state's forest resources for fuel.

(1) Resolve associated issues concerning forest management and air pollution.

(2) Promote increased forest management of private lands.

(3) Encourage proper management for fuel and timber uses of municipally owned land.

(d) Develop New Hampshire's hydroelectric generation potential to the maximum extent practical.

(1) The use of hydro should be encouraged by programs to coordinate the permit application process and expedite the licensing of small hydro projects throughout the state.

(2) Use of hydro resources should be encouraged by revision of taxation and financing policies which may impede development of potential hydro sites.

(d) Solid waste should be recognized as a valuable energy resource. Municipalities should work together to develop resource recovery facilities and recycling programs.

IV. Promote energy conservation and increased efficiency of energy consumption in the following sectors:

(a) Government.

(1) State Government.

(i) New state facilities should take advantage of the best current cost effective conservation and energy efficient technologies;

(ii) The legislature should enact construction and operating guidelines for all state buildings requiring conservation projects, new building designs, and retrofits with favorable economic benefits;

(2) Local Government. All governing bodies should promote compliance with the "Model Code for Energy Conservation in New Buildings" construction.

(b) Residential.

(1) Conservation and alternative heating and cooling systems should be promoted by incentive programs directed at investment in energy saving systems and housing rehabilitation.

(2) The New Hampshire housing finance agency should establish an energy conservation loan program.

(3) Consumers should be encouraged to buy energy efficient appliances and to replace energy inefficient appliances where cost effective.

(c) Commercial — Industrial. Tax incentives should be provided in order to encourage greater use of alternative energy supplies for on-site production and the use of more energy efficient machinery.

V. Substantially increase the efficiency of various modes of transportation and promote the most efficient modes available.

(a) Car and van pooling should be encouraged through such inducements as special parking facilities and economic incentives.

(b) The probable future energy efficiencies of various means of transportation should be studied and reported to the legislature to be used as the basis for a future public transportation policy.

Amendment adopted. Ordered to third reading.

Sen. Bergeron in the Chair.

HB 873, concerning a type of cruelty to animals, and rescuing victims of it. Ought to pass with amendment. Sen. Wiggins for the committee.

SEN. WIGGINS: We had an extensive hearing on HB 873. There was a need of some amendments which we amended. It made it so that some of the women who were there who testified were in agreement. We recommend passage.

Amendment to HB 873

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Cruelty to Animals. Amend RSA 644:8 (supp) as inserted by 1971, 518:1 as amended by striking out said section and inserting in place thereof the following:

644:8 Cruelty to Animals.

I. In this section, "cruelty" shall include, but not be limited to, acts or omissions injurious or detrimental to the health, safety or welfare of any animal, including the abandoning of any animal without proper provision for its care, sustenance, protection or shelter.

II. In this section, "animal" means a domestic animal, a household pet or a wild animal in captivity.

III. A person, firm, corporation, or other entity is guilty of a misdemeanor if he or it;

(a) Without lawful authority, knowingly, recklessly, purposely, or negligently deprives or causes to be deprived any animal in his possession or custody necessary care, sustenance or shelter;

(b) Knowingly, recklessly, purposely, or negligently beats, cruelly whips, tortures, mutilates or in any other manner mistreats or causes to be mistreated any animal;

(c) Knowingly, recklessly, purposely, or negligently overdrives, overworks, drives when overloaded, or otherwise abuses or misuses any animal intended for or used for labor;

(d) Knowingly, recklessly, purposely, or negligently transports any animal in his possession or custody in a manner injurious to the health, safety or physical well-being of such animal;

(e) Knowingly, recklessly, purposely, or negligently abandons any animal previously in his possession or custody by causing such animal to be left without supervision or adequate provision for its care, sustenance or shelter; or

(f) Otherwise knowingly, recklessly, purposely, or negligently permits or causes any animal in his possession or custody to be subjected to cruelty, inhumane treatment or unnecessary suffering of any kind.

IV. In addition to being guilty of a misdemeanor as provided in paragraph III, any person, firm, corporation, or other entity charged with cruelty to animals may have his animal confiscated by the arresting officer and, upon said person's, firm's, corporation's, or other entity's conviction of cruelty to animals, the court may dispose of said animal in any manner it decides. The costs, if any, incurred in boarding and treating the animal, pending disposition of the case, and in disposing of the animal, upon a conviction of said person, firm, corporation, or other entity for cruelty to animals, shall be borne by the person, firm, corporation, or other entity so convicted.

3 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted. Ordered to third reading.

HB 36, relative to the fine moneys collected for OHRV violations which are brought in by fish and game personnel. Ought to pass. Sen. Wiggins for the committee.

SEN. WIGGINS: We had a hearing on this bill several weeks ago and it got lost in the cracks. We finally discovered it after searching everything else. At that time we recommended passage and we still recommend passage. We urge the Senate to pass it.

Adopted. Ordered to third reading.

HB 417-FN, renewing the committee studying regional districts in the state and making an appropriation therefor. Ought to pass. Sen. Wiggins for the committee.

SEN. WIGGINS: We had a hearing on this bill and it was determined that we had to continue this committee that is doing the study of regional districts. It is very important that we keep this committee alive. We urge passage of this bill.

Adopted. Referred to Finance.

HB 548-FN, relative to the employment of assistant chief engineer-administrator positions in the water supply and pollution control commission. Ought to pass. Sen. Wiggins for the committee.

SEN. WIGGINS: We had a hearing on this bill. It seems as though now that they are employing several of these engineers under different sections of the RSA. This will recodify them and put them under one section. They have the money in hand to employ this new engineer administrator and we urge passage of the bill.

Adopted. Ordered to third reading.

HB 110, recodifying the unemployment compensation law and making an appropriation therefor. Ought to pass. Sen. Freese for the committee.

SEN. FREESE: HB 110 is a recodifying of the unemployment compensation law. This is a result of a tremendous amount of work and expense. Up to now it has had a lot of input and a lot of time. There was no one appearing at the hearing against the bill and the committee recommends it ought to pass.

Adopted. Referred to Finance.

HB 863-FN, relative to unemployment compensation. Ought to pass. Sen. Blaisdell for the committee.

SEN. BLAISDELL: A lot of work was done on HB 863-FN and as a result it is an agreed-to bill by the Department of Employment Security, the Advisory Council, and the House Labor Committee. What it basically does is it brings several sections into conformity with the federal law. The testimony was all in favor. We had one person who appeared in opposition, his name was Gary Wolfe, the vice-chancellor of the University of New Hampshire. He appeared to misunderstand a section that was already in the present law and he was satisfied. We ask your support in consideration of ought to pass.

Adopted. Ordered to third reading.

Sen. Monier in the Chair.

HB 566-FN, relative to workers' compensation. Ought to pass with amendment. Sen. Champagne for the committee.

SEN. CHAMPAGNE: This bill came to the Senate from the House unamended. This bill, as I understand it, was promulgated by the Workmens' Compensation Advisory Commission. There were long discussions about the bill in committee. At my request the committee removed the changes having to do with Section 26 of the law which have to do with the permanency awards because frankly the bill guts that provision in the law as it currently stands. The law today provides that permanency awards will be awarded if someone loses a leg, an arm, or a combination thereof. The award is 214 weeks for an arm, 214 weeks for a leg, and if you lose them all it is a combination of 900 weeks. The bill would reduce that to 300 weeks. That portion of the bill regarding Section 26 has been amended. The amendment is on page 18. The committee report, and the committee was unanimous, was ought to pass with amendment. We recommend passage in that way.

SEN. LAMONTAGNE: Can you tell us whether or not usually labor and management meet together and they come to a decision. Has this amendment been accepted by labor and management?

SEN. CHAMPAGNE: I don't know. There are several members. I don't exactly know what the make-up of the Commission is. I know the Insurance Commissioner is on it and

I believe there are certain Senators on it, and not everyone shows up at the meetings. The people who did show up at the meeting agreed and I don't know which ones they are.

SEN. LAMONTAGNE: But you don't know if this amendment is accepted by labor and management?

SEN. CHAMPAGNE: That is correct. I don't know who accepted it.

SEN. LAMONTAGNE: Could you tell us what the recommendation was that came in from labor and management?

SEN. CHAMPAGNE: I don't know. We have a record here, I can read the minutes if you like. I don't know who testified at the hearing. I don't recall who testified at the hearing.

SEN. BERGERON: Although I do sit on the Insurance Committee. I am a member of the Advisory Commission, as is the Insurance Commissioner. At the time we originally took action on this bill in the committee, it was forgotten that this was an agreed bill between labor and management, a negotiated process. The danger here when you start getting involved with agreed bills and you start circumventing the negotiation process, it could be disastrous. What happened in this particular instance, Sen. Lamontagne for your edification, is labor and management agreed to this compromised bill. When we had the hearing and we expected it in the Insurance Committee originally Sen. Champagne did have a problem with it. We considered his problem and thought yes, until we realized that it was an agreed figure. That is when things changed. Labor is totally against it. As a matter of fact they are running the halls today trying to drum up some support of the amendment. I discussed this matter with Sen. Champagne, he thinks I should stick with my original commitment to him, prior to knowing this. I don't think so. He by his own admission, admitted to me, I asked him why didn't you propose a different amendment to correct the problem and he said it was too extensive, it needs too much work. And that is why he could not propose his amendment. So my recommendation to the body is that we go ahead with the original bill as presented to us and defeat the amendment.

SEN. CHAMPAGNE: Didn't I tell you in the committee hearing that this was an agreed bill by the Advisory Commission?

SEN. BERGERON: I honestly don't recall that. You could have, I don't know. If you had mentioned that it was an agreed bill by the Advisory Commission that would have alerted me.

SEN. CHAMPAGNE: Are you on the Advisory Commission?

SEN. BERGERON: Yes.

SEN. CHAMPAGNE: You are on the Advisory Commission that came up with this bill?

SEN. BERGERON: Yes.

SEN. CHAMPAGNE: We discussed it at the hearing. Isn't that correct?

SEN. BERGERON: Yes.

SEN. CHAMPAGNE: That Commission that agreed on the bill, you knew it had agreed at the committee hearing. Isn't that correct?

SEN. BERGERON: I was not there. I was not there when that bill was agreed to.

SEN. CHAMPAGNE: In committee or at the Advisory meeting?

SEN. BERGERON: At the Advisory Board.

SEN. CHAMPAGNE: At the Advisory Board. Didn't I tell you at the committee hearing that it was an Advisory Board agreed bill?

SEN. BERGERON: What is this, the second round of the same questions?

SEN. CHAMPAGNE: Yes.

SEN. BERGERON: I also told you I do not recall you saying that.

SEN. CHAMPAGNE: Do you know if the section that I am amending, Section 26, is taking any benefits from anyone?

SEN. BERGERON: Another problem with this Senator, is that we agreed, basically, before the fact of the agreed bill was known, we agreed in principle with some of your arguments. You were to prepare an amendment. The fact of the matter is, I received my calendar roughly one-half hour before we were scheduled to come on to this floor. The amendment for the first time was seen in that calendar. If I remember correctly, our agreement with you was that that bill was to be held in committee and you were to bring that back to the committee so they could look at it before it was presented.

SEN. CHAMPAGNE: Isn't the amendment that is in the calendar the exact amendment we agreed to?

SEN. BERGERON: How would I know that. All you have is a bunch of numbers. We asked to see your amendment in writing. It is the policy of this body that we don't act on amendments until we see them in writing. That was our agreement with you as far as I am concerned, in executive session.

SEN. CHAMPAGNE: You were on the Advisory Board, isn't that correct?

SEN. BERGERON: That is the third time. Now do you have a new question. I will answer a new question but I won't carry on a running debate.

SEN. MONIER: The Senators will come to order, both of you. Do you have a further question Sen. Champagne.

SEN. CHAMPAGNE: No.

SEN. LAMONTAGNE: Seeing that this was an agreed bill and time has been put in by labor and management on this bill, I would urge you to vote against the amendment. The reason I am asking you to vote against the amendment is because we have these people here to get together, not only during the session of the General Court, but also to meet prior and to discuss problems of proposed legislation. I feel that labor and management saves a lot of headaches for members of the General Court. I am telling you now that if you turn around and go against the wishes of the labor and management when you have an agreed bill, it is the biggest mistake that could ever be made. I am hoping that you will go against the amendment and go along with the agreed bill.

SEN. CHAMPAGNE: Do you know that if the bill goes through the way it is drafted it is going to mean a substantial reduction in benefits to people who are hurt on the job?

SEN. LAMONTAGNE: I still feel that this is an agreed bill and labor is part of it and it is up to them to turn around and come out and tell us what is wrong.

SEN. CHAMPAGNE: Would you change your mind if you knew that the provisions of a certain section are being gutted through this bill. It will mean that people in your district are going to get substantially less benefits if this passes.

SEN. LAMONTAGNE: I still feel that it is an agreed bill and if there is something wrong then it is up to labor to turn around and advise us. They have always done it in all the

years that I have been here. If there is something wrong then let them find another way of straightening it out.

SEN. CHAMPAGNE: Do you agree that if we pass it this way we can't do anything for the bill, it will be law?

SEN. LAMONTAGNE: I still feel that it is an agreed bill, and I am for an agreed bill.

SEN. CHANDLER: I have heard a lot of talk about an agreed bill here today and I would like to tell you something about agreed bills. I was Chairman of the Labor Committee in the Senate one session and any time a bill came in as an agreed bill it was supposed to be a sacred document. Management and labor had agreed on it and it would be sacriligious to do anything with it. It wasn't until the end of the session that I finally woke up to the idea that even though management and labor had agreed to it, the public had never agreed to it. A lot of times the public are the ones that should be most concerned because it might affect them. I don't think we should allow management and labor, necessarily, to get together on some kind of a cozy agreement and the general public doesn't really know too much about it. So I don't think that just because it is an agreed bill it should carry too much, we should judge it on its merit and how it affects the people and how it affects the citizens, and nevermind this agreed bill stuff.

SEN. BERGERON: Prior to the sudden release of the amendment, had you heard any objection to this bill from either labor or management?

SEN. CHANDLER: Sen. Bergeron, I wasn't talking about this bill particularly, I was talking about the argument put forth by the Honorable Senator from District 1, that because it was an agreed bill we shouldn't do anything about it. I don't know anything about the bill myself, but I just spoke about this agreed bill aspect of it. I don't think it is necessarily the gospel truth or like the Bible just because it has been agreed to.

SEN. BERGERON: Would it make sense to you that had you not heard any opposition to this bill, one way or the other, from labor or management, prior to seeing the printed amendment in the calendar this noontime, that perhaps it was an agreed bill?

SEN. CHANDLER: If I hadn't heard anything about it, I wouldn't know anything about it.

SEN. LAMONTAGNE: Sen. Champagne, would you object if I made a motion to make this a Special Order of Business for next Tuesday at 1:01 p.m.

SEN. CHAMPAGNE: That is Senatorial courtesy, Senator, and I would go along with that and I always have.

Sen. Lamontagne moved that HB 566-FN be made a Special Order of Business at 1:01 p.m., Tuesday, June 2, 1981.

Adopted.

HB 570-FN, making certain changes in the criminal code and criminal procedures. Ought to pass with amendment. Sen. Chandler for the committee.

SEN. CHANDLER: This is a bill that deals with a lot of different things. It is kind of a housekeeping bill. It makes certain changes in the criminal code and it is an omnibus bill. It talks about false bomb threats as distinguished from real bomb threats. In the original bill that came in from the House it made both of them Class A felonies. The Senate amended it to make the threat of a real bomb threat a Class A felony, but if they had a fake bomb we made it a Class B felony, because we thought the seriousness of it was a little bit less. It talks about other matters which I think are self-explanatory.

Amendment to HB 570-FN

Amend RSA 158:38 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

158:38 False Reports as to Explosives. Any person who knowingly communicates a report known by him to be false regarding the location of an explosive or other similar dangerous substance or contrivance, thereby causing anxiety, unrest, fear, or personal discomfort to any person, shall be guilty of a class B felony.

Amend RSA 632-A:1, V as inserted by section 10 of the bill by striking out same and inserting in place thereof the following:

V. "Sexual penetration" means:

- (a) Sexual intercourse; or
- (b) Cunnilingus; or
- (c) Fellatio, or
- (d) Anal intercourse; or
- (e) Any intrusion, however slight, of any part of the actor's body or any object manipulated by the actor into genital or anal openings of the victim's body; or
- (f) Any intrusion, however slight, of any part of the victim's body into genital or anal openings of the actor's body.
- (g) Emission is not required as an element of any form of sexual penetration.

Amendment adopted. Ordered to third reading.

HB 351-FN, establishing a driver retraining program. Ought to pass. Sen. Boyer for the committee.

SEN. BOYER: This bill provides that any person whose license or privilege to operate in this state has been revoked for driving while under the influence, upon successful completion of a driver retraining program approved by the Municipal and District Court Judges Association can apply for their license. It would provide for a drivers retraining program at no cost to the state and the program would have to be approved by the Municipal and District Court Judges Association. It came out of committee ought to pass.

SEN. CHAMPAGNE: Is there any fiscal impact on this bill?

SEN. BOYER: No there is not. Wait, I stand corrected, there is. The fiscal note is \$21,000 in 1982, and \$22,100 in fiscal 1983. There is a start up cost of \$2,500.

SEN. CHAMPAGNE: What is the \$21,000 and \$22,100, is that the appropriation? It is up and not down.

SEN. BOYER: Yes, it is up.

SEN. CHANDLER: Was the vote on the committee on this, was it unanimous?

SEN. BOYER: No it was not.

Adopted. Referred to Finance.

HB 516-FN, to remove the spousal exception to sexual assault offenses. Ought to pass. Sen. Boyer for the committee.

SEN. BOYER: This bill as the title suggests, would eliminate the spousal exception to the crime of rape. Presently five states already have this exception eliminated and they aren't experiencing any problems. It came out of committee as ought to pass. Again, that was not unanimous.

Sen. Chandler requested a Division.

Senator Boyer requested a Roll Call.
Seconded by Sen. Blaisdell.

The following Senators voted yes: Blaisdell, Boyer, Kelly, Stephen, Lessard, Roy, Preston, and Splaine.

The following Senators voted no: Lamontagne, Freese, Bergeron, Chandler, Wiggins, Monier, Mann, Stabile, Podles, Brown, and Champagne.

8 yeas 11 nays

Motion failed.

Sen. Chandler moved that HB 516-FN be indefinitely postponed.

SEN. PRESTON: I would respectfully ask the Senate to vote against that. This is a very serious bill to certain people and I would certainly, if this motion was not passed, seek out some Senator on the prevailing side to vote reconsideration on this when all the Senators were here. We have had some frivolity on different bills today but this is a very serious bill that a lot of people worked hard on. I would like the entire Senate voting on it and would respectfully request that this motion either be withdrawn or voted against.

SEN. MONIER: Sen. Preston, the Chair will remind you that the Chair had passed it on a voice vote.

SEN. BOYER: I would also ask that the motion either be withdrawn or the Senators vote against the motion because there are Senators that aren't here and I don't know how they are going to vote on this issue, but many people have worked very hard on this issue and I think at least the Senators that aren't here ought to have the courtesy to be able to vote on this issue. I would, like Sen. Preston, seek

out someone on the prevailing side to move for reconsideration at some point.

Division vote: 3 yeas 15 nays

Motion lost.

Sen. Preston moved that HB 516 be laid on the table.
Adopted.

HB 788-FN, relative to the regulation of racing and to statewide grand juries. Interim Study. Sen. Champagne for the committee.

SEN. CHAMPAGNE: At the hearing on this bill the Attorney General testified, I believe he requested the bill originally, along with several other past Attorney General's. The bill would allow the Attorney General's office to conduct an on-going investigation that could last forever, as far as I can tell. It would also allow all of the expenses incurred by the Attorney General to be passed on to the outfit he is investigating. Without those particular limits the committee felt that this bill should be put into interim study, thus the reason for the recommendation.

Adopted.

HB 893-FN, relative to a unified court system and continuing the appropriation of the select commission to examine a unified court system. Ought to pass. Sen. Champagne for the committee.

SEN. CHAMPAGNE: This bill is the result of a on-going study. A study which has been going on since the last session of the Legislature. It involves a complete financial study of all courts in the State of New Hampshire. This bill is a result of that study. It recommends that the Supreme Court implement a financing system throughout the State of New Hampshire with every court on every level. It also implements a personnel system, and it also places the fees at the discretion of the Supreme Court. We urge your vote for passage.

SEN. PRESTON: In past sessions we have seen bills where they attempted to regionalize court systems within counties and do away with local district courts. Would this in any way, as an example, have such an impact on the Hampton or Portsmouth district courts?

SEN. CHAMPAGNE: This bill has nothing to do with doing away with courts. It has nothing to do with creating new ones. It has nothing to do with the court systems as far as eliminating or adding. It does have something to do with the financing system and that is all.

SEN. SPLAINE: Are we really in large part talking about information gathering for down the line?

SEN. CHAMPAGNE: We are talking about more than that. The bill puts the responsibility on the Supreme Court to institute before January 1, 1982, I believe that is the date, a finance system in every court in the State of New Hampshire. It is not information gathering, it is a question of implementing financial safeguards, is what it is. They are charged to do that within a certain amount of time. It is more than information gathering, I think it is accountability Senator.

Adopted. Referred to Finance.

HB 905-FN, to limit the money expended by the superior court to the amount appropriated by the county convention. Ought to pass. Sen. Chandler for the committee.

SEN. CHANDLER: This is a short bill and it was introduced by a lawyer member of the Legislature from Concord. He has been on the county delegation for a long time and in executive committee. The same problem that he has attempted to address in Merrimack County applies to the whole state, other counties have experienced difficulty with the financing arrangements for the Superior Court, the county court. This bill would state that the Superior Court of a county could not spend more money than the county delegation had appropriated for the court. That is what the bill does.

Adopted. Ordered to third reading.

HB 943-FN, relative to fees in the probate court. Ought to pass. Sen. Champagne for the committee.

SEN. CHAMPAGNE: Currently every court in the state except probate court has entry fees for an action. This bill will provide for entry fees in the probate court as well as every other court in the state. We recommend its passage.

SEN. ROY: Are there any appropriations required under this bill?

SEN. CHAMPAGNE: This is a money-raising bill. It doesn't have any expenditures.

SEN. MONIER: But it would affect the budget if it was passed?

SEN. CHAMPAGNE: Yes. For local communities but not the state. Probate fees go to the county.

SEN. MONIER: Thank you, that is all I wanted to know.

Adopted. Ordered to third reading.

SUSPENSION OF RULES

Sen. Brown moved that the rules of the Senate be so far suspended as to allow a committee report on HB 171 not previously advertised in the calendar.

Adopted.

HB 171, transferring certain functions of the New Hampshire crime commission to the New Hampshire commission on children and youth. Ought to pass with amendment. Sen. Brown for the committee.

SEN. BROWN: The amendment appropriate \$50,378 to the Commission on Children and Youth. The reason being there are \$274,000 of federal monies in hand which cannot be utilized until this appropriation is taken care of. Plus in February of 1982 there will be another \$101,600 from the LEAA. That is because the program will be transferred from the Crime Commission over to the Youth Commission. That is the amendment. That is to continue the juvenile justice program. The main bill terminates the Crime Commission, which is the way we received it from the House, and turns its function, no personnel just the records and things, over to the Youth program.

SEN. HOUGH: Are there any General Funds in regards to this bill or its amendment?

SEN. BROWN: The appropriations are General Funds, the \$50,378.

Amendment to HB 171-FN

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

providing for the phasing out of the New Hampshire crime commission and making an appropriation for certain matching funds.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Crime Commission; Phasing Out. Notwithstanding the provisions of RSA 17-G:7, the New Hampshire crime commission shall continue in existence until June 30, 1982, for the purpose of winding up its affairs; provided, however, that no state funds shall be appropriated to the crime commission, except funds necessary to match funds made available to the commission under the Juvenile Justice and Delinquency Prevention Act, for the phasing out period, nor shall any matching funds be encumbered. If federal funds for the crime commission are exhausted before June 30, 1982, the crime commission shall cease all activities on such earlier date. Notwithstanding the foregoing provisions of this section, the fiscal committee of the general court shall be empowered to extend the authorization periods established herein for the New Hampshire crime commission if federal funds become available for such a purpose, and may from time to time extend such authorization for the period of availability of such federal funds.

2 Appropriation. The sum of \$50,378 is hereby appropriated for the fiscal year ending June 30, 1982, to match funds available under the Juvenile Justice and Delinquency Prevention Act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect July 1, 1981.

Amendment adopted. Referred to Finance.

HB 340-FN, providing for a feasibility study of special access to the Everett Turnpike for emergency vehicles at Baboosic Lake Road or Bedford Road. Ought to pass. Sen. Sanborn for the committee.

SEN. SANBORN: In the form in which the Transportation Committee received HB 340-FN, all that was in there was to have an emergency exit in Merrimack on either the Baboosic Lake Road or the Bedford Road. They would prefer the exit at Baboosic Lake Road. The Commissioner of Highways was there at the hearing and he testified that this could be accomplished at very little to no cost whatsoever. All they would do is put a gate in the fence that is there now, gravel the road so that the emergency vehicles in Merrimack could make access onto the Everett Turnpike without too much interference. As it is now they have to go to the nearest exit which could be up in Bedford or try to make the one in Merrimack at Reeds Ferry for their ambulances and fire trucks to get on to the highway. By going by Reeds Ferry it is better than a 3 mile run. An accident could happen and has happened almost directly behind where the ambulance is stationed on Baboosic Road and they have had to make a 3-mile run to get to the scene. After the testimony that had been received on this from the Fire Chief, Police Chief, head of the ambulance and so forth, we agreed that this emergency exit should be provided for the town in the area for an emergency on the Everett Turnpike. We concurred and recommend passage of the bill in the form we received it from the House.

Sen. Stabile moved a floor amendment.

Floor Amendment to HB 340-FN

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

authorizing an engineering study for the central New Hampshire turnpike; a special access to the turnpike at Baboosic lake road or Bedford road; design and construction of certain ramps; and making appropriations therefor.

Amend section 2 of the bill by striking out same and inserting in place thereof the following:

2 Design and Construction of Ramps. The commissioner of public works and highways is authorized to proceed with the design and construction of a northbound off-ramp and a south bound on-ramp at Bedford road in the town of Merrimack.

3 Appropriation. The sum of \$600,000 is hereby appropriated to the department of public works and highways for the purposes of section 2 of this act. The cost shall be a charge against the central New Hampshire turnpike sinking fund.

4 Authority Granted. The commissioner of public works and highways is authorized to proceed with the engineering design studies for improvements to the central New Hampshire turnpike, including, but not limited to, the addition of a traffic lane or lanes in each direction from a point just south of interchange 3 to a point northerly of interchange 7, construction of a new interchange between interchange 7 and 8, provided, that interchange 7N shall remain open and a new interchange at Merrimack and a new interchange at Bedford road, modernize interchanges 4, 5, 6, and the existing ramps at 7, relocate Merrimack toll plaza and reconstruct interchange 8, construct bridge safety improvements at the Nashua river, the canal, and Pennichuck and including engineering design study of the relocation of the Camp Sargent road in Merrimack. The final design of improvements to the central New Hampshire turnpike shall consider the recommendations of the Nashua-Hudson circumferential study.

5 Appropriation. The sum of \$1,500,000 is hereby appropriated to the department of public works and highways for the purposes of section 4 of this act. The appropriation shall be a continuing appropriation and shall not lapse.

6 Borrowing Power. For the purpose of providing funds necessary for the appropriation made by section 5 of this act, the state treasurer is authorized to borrow upon the credit

of the state a sum not exceeding one million five hundred thousand dollars (\$1,500,000) and for the purpose may issue bonds and notes in the name and on behalf of the state in accordance with the provisions of RSA 6-A; provided that the bonds may mature up to 30 years from their dates of issue and may be made redeemable before maturity at the option of the governor and council at such price or prices and under such terms and conditions as may be fixed by the governor and council prior to the issue of the bonds. The interest on bond anticipation notes may be funded by the issue of bonds to the extent of the applicable bond authorization and, to the extent not so funded, may be paid from any source from which interest on the anticipated bonds could be paid, including any of the turnpike reserve accounts identified in RSA 237:15.

7 Effective Date. This act shall take effect 60 days after its passage.

SEN. STABILE: This amendment would authorize the engineering study for the central New Hampshire Turnpike. Also a special access turnpike at Baboosic Lake Road or Bedford Road, the design and construction of certain ramps and making an appropriation thereof. In essence, what this would do would be to allow for the central turnpike system from Bedford to Nashua to have an engineering study performed on it. I would like to go back a little bit in history and tell you about that stretch of road. That particular stretch of road is the most heavily travelled stretch of road in the State of New Hampshire. In the Nashua area it was designed to handle approximately 20,000 cars per day. It is presently handling over 60,000 per day, over three times its capacity. We have a disastrous safety situation in the city of Nashua. I show to you the front page of the Nashua Telegraph from last night which was given to you and put on your desk. It reads: "A multiple vehicle accident resulted in heavy property damage and injuries to occupants of vehicles when unusually heavy traffic on the Everett Turnpike north between exits 5 and 6 caused a pile up shortly after 5:00 yesterday afternoon." Then they go on to give a list of the people. In the article they tell how this was caused by the fact that the traffic was tied up from exit 7, and as I spoke to the Mayor last night, from exit 7 to exit 3. There was a steady lane of

traffic prior to the accident in the travel lane from 4:45 until 5:30 last night. We have a disastrous safety situation in Nashua on this particular highway. Merrimack has, as Sen. Sanborn has alluded to, also a safety situation as far as the fire access and the emergency access to the highway. My amendment attempts to have an engineering study done on this stretch of highway. Last session the Senate and the House approved the study of a general overstudy of the highway called the Wilbur Smith study. This Wilbur Smith study showed that the improvements were necessary. What the Wilbur Smith study attempted to do was to show how we were going to improve the highway conceptually and how we were going to raise the funds. It put a toll booth in the middle of Nashua, between exits 5 and 6, dead in the middle of the city. This was unacceptable to the people of the city of Nashua, and rather obviously. At that time we attempted to move that toll booth down to the state line. First we tried to look into reducing tokens and increasing tolls so that we didn't have to have a toll booth. And then an amendment was placed on the bill to place the toll booth at the state line. This bill was sent to interim study in the House. What we are attempting to do with this amendment today is get the engineering done so they are not waiting another two years, because we are not talking about construction for six years today. So if we don't get the engineering studies started we are going to wait two more years. It means that much more traffic coming into New Hampshire. We only have three major roads coming in to the State of New Hampshire, Route 95, Route 93, and Route 3. The most heavily travelled of the three of them is Route 3, and it is a two-lane road as it goes through Nashua. All we are asking for here is a study of how we can alleviate the safety situation from the state line to Bedford. I can show you that part of the problems that we have are financial. I can show you that the eastern turnpike system in the year 2000, in their sinking fund, would have a sinking balance of \$106 million to the minus, whereas at the same time if these improvements were made the central turnpike system would have a balance surplus of \$41 million. Yet you look over at Dover and you have a 20 cent toll, you look over at Rochester and it is operationally losing money on the employees and the electric bills just to operate the toll booth. You have the Hampton toll booth eliminated. Yet

people would tell me that Nashua has an accident rate that far exceeds the national level, that we don't have the money to bond this study so that we can eliminate a very serious safety hazard in the state. Also, as many of you know, the Nashua area and the southern tier, whether it be Salem, Nashua, or Portsmouth, is where industry has been headed. They are hampered today by the traffic. Today if you were to go to Nashua I can guarantee that at 5:00 p.m. today you tried to get off at exist 7-W it would take you fifteen minutes from the time you hit the bottom of the ramp before you get up onto Route 101. I implore that you look at this particular amendment and recommend that it be added to this bill and sent to the House.

SEN. MANN: The Devil's Advocate is up again. I will have to speak against this proposed motion. I know I will probably get defeated but I have to let you know what you are doing. We have done a study on this little road down there. Sen. Rock and Sen. Mann insisted on it being done. I'm not against it. Okay? I am against spending the money at this period of time. We had a little bit of testimony on this bill. Pages of it. Most of your Nashua delegation did not speak too much in favor of it. This road has a claim on it of \$90 million to build. I don't think there is anybody in this room who will be alive to see it. \$90 million. Okay? The purpose of this amendment is to study to expand the road from the Massachusetts line to the Merrimack toll. To do this there must be a toll in Nashua. That seems reasonable. Nashua does not want a toll in Nashua. They don't want a toll. Put it in Manchester, put it in Merrimack, put it in some other place, but don't put it in Nashua. They really don't want to pay for it. All this thing is going to do is to allow the Public Works to design or try to design, when the Legislature is out of session, and when we come back they are going to try to get the road through. There is no money to pay for this project. None at all. For example, I spoke against the Manchester ramp and I'm proud of it. We have about \$8 million on the turnpike fund. This amendment, which was turned down in the House then brought to the Senate and tacked on this bill. I don't like that. Anyway, we have \$8 million in the fund, we are taking \$5 million of that \$8 million out of the turnpike fund for the Manchester ramp or the Manchester road. This bill proposes we take another \$1½ million out

of that fund, which with my calculations leaves us with \$1½ million in the turnpike fund. Very dangerous. We have billions of dollars worth of bonds. I was asked in the Manchester thing if I thought this could possibly raise the tolls. Well I thought the Manchester ramp might raise the tolls, I haven't asked the Commissioner I'm just bringing it off the top of my head, but if that doesn't raise the tolls and Manchester doesn't want a toll booth and we haven't got any money to build a toll booth, we are only going to have \$1½ million left. This will really do it. Now, bonding, I'm not a bond expert but I have to take some of the testimony. Right now the last bonding we did is over 9%, that is a double, so if you are going to spend \$1½ million this is going to cost you \$3 million by the time you get finished with it. Just let me throw you out a couple of figures. \$93 million which is for that road, at 6%, right now will cost us \$110 million for 20 years, translates into about \$6,000 interest. When you add the principle and the interest at 6% we come up with a whopping total for this road of \$204,600,000 that we are going to obligate ourselves for. As I said, I'm not against Sen. Stabile, I probably drive on this road more than 90% of the Senators here. At least once a week I come off at exit 7-W. I've been doing it for 25 years, I have never been stopped on the turnpike. I agree there is a necessity. I think Nashua should face up to some of the responsibilities first. Number 1, good point, just learned this the other day and I've been around here 14 years, a bridge over a turnpike, the width of that bridge is owned by the cities and towns because it is a city or town road. Now the state will lengthen it but it sure isn't going to pay for the widening of it. If we have trouble at an off or on ramp I might suggest that the city of Nashua get together with the highway department and see if we can put the horse in front of the cart and try and widen the bridges. I know what the problem is, you come off two lanes, you move down into one lane, it is a mess. I think, Sen. Stabile, just to correct you a little bit, Route 101 is the most dangerous route in the State of New Hampshire. I can be corrected on that but it has been that way for 25 years. I say this not in opposition to Sen. Stabile's amendment, really, I am opposed to it from the money end of it only. The Manchester Union Leader is kind enough to brand me as a flaming liberal. But again, this state, and if you don't believe me come

on down to Finance sometime, this state is in trouble, and I mean trouble with a capital T. We are going to have a collapse here and we cannot go around and keep robbing the highway fund, we are attacking it every minute, we are attacking it in Finance, we are attacking it for State Police, we are attacking it for this and that and the other thing. We cannot continue to attack it, take the money away from it, and think we have a beautiful thing here. Our roads are going to suffer. I will stand here for the abuse.

SEN. STABILE: Sen. Mann, did Commissioner Clements testify in favor of this \$1.5 million appropriation to study the highway?

SEN. MANN: I have never seen the Highway Department in any sort of testimony except heavy trucks to testify against it. If you want a road changed in your area or you want this in this your area, they are for it. They are for everything. Does that answer you?

SEN. STABILE: No you didn't.

SEN. MANN: Yes.

SEN. STABILE: Would you believe that he testified at every hearing the Highway Commission had, unequivocally in favor?

SEN. MANN: I would believe that. I just wonder if he knew that the fund was going to be tapped for \$5 million from Manchester first before he testified for it.

SEN. STABILE: Would you believe he did at the last two hearings?

SEN. MANN: Fine.

SEN. STABILE: The \$90 million you make reference to, those are 1985 dollars you are referring to, is that not correct?

SEN. MANN: Well, no, I don't believe so. I think they are looking at \$90 million as of 1981-82 figures, according to this book.

SEN. STABILE: Would you believe you are wrong, Sen. Mann?

SEN. MANN: I would believe anything these days.

SEN. STABILE: Would you believe they are looking at \$56 million in 1981 dollars?

SEN. MANN: To build this road?

SEN. STABILE: That is correct.

SEN. MANN: I would dispute it.

SEN. STABILE: Fine. The bonding market today is at probably the highest point it has ever been in the history of the economy?

SEN. MANN: No.

SEN. STABILE: One of the highest points in the history of the economy of the country?

SEN. MANN: Yes.

SEN. STABILE: Do you believe the bonding market is going to go down in some point between now and 1985?

SEN. MANN: Sen. Stabile, I can't answer that directly. I know that when I was here in 1975 we were putting out bonds at around 4-4.1-4.2% and now we are up over 9%. This scares me. That is all I'm trying to do is to say I'm frightened of this impact on the State of New Hampshire.

SEN. STABILE: Relative to the difference between Route 101 and Route 3, and which is more dangerous. Which is more dangerous, arsenic or mercury, if you injected it.

SEN. MANN: We had that a minute ago on a bill, I think.

SEN. BOYER: I rise to speak in favor of this amendment. Yes, our financial situation is a very dangerous one, but again, the Everett Turnpike is a very dangerous situation. The Highway Commission, which is supposed to be in the best position to know these things, has indicated to us that they would be able to take this money and in fact this number, \$1.5 million was derived from the Commission, that they were able to take that out of surplus. We are not talking about \$90 million plus with this amendment. We are talking about \$1.5 million to allow us not to lose time to address a serious problem. We spent the money on a Wilbur Smith highway report. It recommends, Sen. Mann acknowledges, there is no dispute that the situation is dangerous and needs to be corrected. The issue is whether there ought to be a toll booth and how much money ought to be spent on those. We don't have to address those issues today, number one. And number two, we are asking the Senate to address a dangerous situation which will not go away just by ignoring it or by just saying gee that's a lot of money, we can't spend that kind of money. The highway report recommends certain steps. It doesn't talk about the city of Nashua widening the bridges. We are not going to be addressing that situation. We have a certain responsibility as a state, that is a state-owned highway. It

is not a very popular issue to suggest that there ought to even be a toll booth in Nashua, but Sen. Stabile and myself both came forward because of how dangerous that situation was. I suggest to the rest of the Senate, if that is what it will eventually take to correct a very dangerous and serious situation, that we will do the same. But certainly \$1.5 million to correct a current dangerous situation is not as much a request, and no where near a hardship on this body than giving \$6 million to a ramp that we did without any dissent to improve the downtown situation in Manchester. I ask that you support this amendment.

SEN. MANN: You said that you would spend \$1.5 million to correct this situation? I believe that is what you said.

SEN. BOYER: If I said that I am sorry. I wish it were that simple. But that is the next step and that is what we were told by the Highway Commission. It is certainly not going to correct the situation but it is the next step toward correcting the situation. And eventually it is going to have to be spent.

SEN. MANN: I thank you for correcting that. If it were only \$1.5 million I would give you another \$1.5 million, would you believe, to correct that situation.

SEN. SANBORN: Sen. Boyer, you are familiar, I'm sure that we down in Finance are now going through the budget for the State of New Hampshire for the coming year?

SEN. BOYER: Yes.

SEN. SANBORN: Would you believe, Senator, that I question when you talk about Commissioner Clements coming in and saying to you people that he had a surplus when in effect we have been told that if we put the budget at the proposed 15% cut which we are going to have to do for every state agency in this state, that the only thing that he can do, the only thing he can do, is maintenance of the existing highways, maintenance only? If we have to cut the budget to 15%.

Sen. Blaisdell moved the previous question.
Adopted.

Amendment adopted. Referred to Finance.

HB 596-FN, relative to the mill rate charged for municipal permit fees on motor vehicles. Split report: Inexpedient to legislate; Ought to pass. Sen. Sanborn reported ought to pass.

SEN. SANBORN: You want to give careful consideration to this bill. It adds one step in the mill rate that is charged at the municipal level on your automobile. It goes 18-12 right now, this puts one in between, 18-15-12. One of the reasons that we bring this to you as ought to pass from one section of the committee, you also have I believe, in Ways and Means, HB 66, HB 66 reduces the interest and dividends tax that goes back to the towns and cities. One way to make up that money, and about the only way we have right now, outside of HB 600, is this bill that raises and makes a change in the mill rate. It is the only way that we have left to us that puts some money back to the towns and cities. This is only money that will go to them. It does not go to the state in any way, shape or manner. It goes to the towns and cities when you go to register your car with the town or city clerk. Other than that, HB 66 is taking money away from the towns and cities. So we urge ought to pass on this bill.

SEN. BLAISDELL: I rise in support of Sen. Sanborn's motion. When Ways and Means looked at HB 66, the dividends and interest tax, we passed it with the idea that HB 596 would pass, and we would be able to get a wash between the cities and towns. Should this bill, HB 596, be inexpedient to legislate I am immediately going to call Senate Ways and Means back together and ask them to change their report on HB 66. There is no way I can support passing HB 66 on the dividends and interest tax and not get the money returned to the cities and towns in HB 596. Sen. Sanborn is right.

Adopted. Ordered to third reading.

SECTION 27, Meals and Rooms collections. Ought to pass with amendment. Sen. Blaisdell for the committee.

SEN. BLAISDELL: Section 27 of HB 600 has to do with meals and rooms collection. We move ought to pass with amendment. What this does is it will change the reporting time back to quarterly payments instead of monthly pay-

ments, which came out of HB 600. It will delete the 3% compensation that the collectors of the rooms and meals tax are now receiving. It is a very simple amendment causing some controversy, there is no question. But in these times of tight budgets the State of New Hampshire has to look to every available means to balance the budget. The Ways and Means offers this as a way of balancing that budget.

Amendment to HB 600

Amend the bill by striking out section 27 and inserting in place thereof the following:

27 Repeal. RSA 78-A:7, III relative to compensation of operators for collection of the meals and rooms tax is hereby repealed.

Recommendation adopted. Unanimous vote.

SECTION 33-41, raising highway motor vehicle fees; distribution of highway fees and Rooms & Meals revenues to cities and towns. Ought to pass with amendment. Sen. Blaisdell for the committee.

SEN. BLAISDELL: Section 33-41 has to do with raising motor vehicle fees and the distribution of highway fees and Rooms and Meals revenues to the cities and towns. Originally when this bill came in to Ways and Means it raised approximately \$17,700,000. The Ways and Means Committee took a hard look at every section of this particular piece of legislation. The one that we disagreed with, because we felt that it would have a detrimental effect on the trucking industry of our state, the House in its wisdom passed \$.84 per hundred gross weight on trucks, the Senate Ways and Means has amended this bill to \$.65. We felt that this was the proper approach. No one attempted to tell us exactly how much we would have lost if we did go to \$.84. We felt that Senate Finance should take a hard look at this one. They also have another bill down there right now that stocks about \$.72 per hundred. Ways and Means is recommending \$.65. It will cut down the revenue by approximately \$2 million, but we felt

that this was the proper approach and we hope you will agree with us.

Amendment to HB 600

Amend the bill by striking out sections 34 and 35 and inserting in place thereof the following:

34 Registration Fees. Amend RSA 262:1, II(f) and (g) (supp) by striking out said subparagraphs and inserting in place thereof the following:

(f) For all motor vehicles other than those in RSA 262:1, I:

0-3000 lbs.	\$16.80 (\$1.40 per month)
3001-5000 lbs.	\$28.80 (\$2.40 per month)
5001-8000 lbs.	\$40.80 (\$3.40 per month)
8001-73280 lbs.	\$.65 per hundred lbs. gross weight

(g) Truck-tractors to be used in conjunction with a semi-trailer, gross weight shall include the weight of such tractors, the weight of the heaviest semi-trailer to be used therewith and the weight of the maximum load to be carried thereby: up to 73,280 pounds — \$.65 per hundred pounds gross weight; 73,281 to 80,000 pounds gross weight — \$1.32 shall be charged for each 100 pounds or portion thereof in excess of 73,280 pounds.

35 Farm Truck Fees. Amend RSA 262:1, II(1) (supp) by striking out said subparagraph and inserting in place thereof the following:

(1) For each farm truck or combination of motor type tractor and semi-trailer used only for transportation of agricultural products produced on and meant to be used in connection with the operation of a farm or farms owned, operated, or occupied by the registrant, for the first 16,000 pounds — \$24; for any additional weight above 16,000 pounds — \$.65 per hundred weight.

Recommendation adopted. Unanimous vote.

SECTION 72-86, payroll tax; repeal of HB 951 — 10% surtax on B.P.T. Inexpedient to legislate. Sen. Blaisdell for the committee.

SEN. BLAISDELL: This is the section that created the controversy in our state and it has to do with the payroll tax. The 1% payroll tax. Testimony was overwhelming against this bill. It was unanimous in the Ways and Means Committee that this bill be inexpedient to legislate. We think it has a detrimental effect on the business climate in our state. There was a consensus in Ways and Means that this is no way to balance the budget, on the backs of the businesses of our state. We had a lot of testimony on this. I know it is a controversial subject. It was a very hard decision for all of us to make because it has \$104 million in revenue. I will take that chance and I think the Senate Ways and Means is willing to take the responsibilities for their actions. We ask that the payroll tax be inexpedient to legislate.

Recommendation adopted. Unanimous vote.

Sen. Bergeron in the Chair.

HB 718-FN, providing for discount sales of liquor to on-sale permittees. Ought to pass. Sen. Chandler for the committee.

SEN. CHANDLER: This is a very simple bill which merely confirms and puts into RSAs what the Liquor Commission has already been doing. They allow wholesale discounts to on-sale permittees. That means any place that you drink the liquor, wine, or beer, on the premises. They have been allowing discounts in the past and this gives them legislative authority to do it. They have been doing it for 20 years.

SEN. MANN: You say they have been doing this for many years?

SEN. CHANDLER: That is what they told us.

SEN. MANN: So there would be no increase or no impact on our financial health?

SEN. CHANDLER: No, no impact.

Adopted. Ordered to third reading.

HB 521-FN, relative to the tax on meals and rooms. Ought to pass. Sen. Blaisdell for the committee.

SEN. BLAISDELL: HB 521-FN was introduced by the Department of Revenue Administration. Very simply, all this bill does is change the definition of permanent resident and rent under the meals and room tax. It is just something that Lloyd Price in the Department of Revenue Administration wanted to bring into the statutes so he could be covered. There was no controversy on the bill whatsoever. We recommend ought to pass.

SEN. MONIER: There is no impact on this particular bill either, is there?

SEN. BLAISDELL: No impact on this particular bill.

Adopted. Ordered to third reading.

HB 66-FN, relative to interest and dividends tax returns and exemptions. Ought to pass. Sen. Chandler for the committee.

SEN. CHANDLER: This bill changes the exemptions allowable on the interest and dividends tax. It also changes the distribution. This is a bill that we have been calling a companion bill to HB 596, that increased the mill rate on your registration of your automobile with the towns. That mill rate was thought to yield about \$5 million more to the towns and this bill takes away from the towns, in revenue, somewhat less than that. It is pretty near a balance. The towns really gain a little bit on the exchange. The exemption is increased from \$600 to \$1200. In the analysis it says \$600 to \$1,000 but the House amended it up to \$1,200 for everyone. Then people over 65 got another \$1,200. People who are blind get another \$1,200, and if they are crippled they get another \$1,200. So the worse shape they are in the more exemption they get. The distribution formula has been changed, too. At the present time the interest and dividends tax goes 90% to the towns and 10% to the state. This bill would make it go 50% to the state, they collect it, and 50% to the town. So the towns lose about as much but not quite as much as they gain on the other bill. These two bills are kind of contingent on each other. That is why we held this one before we reported it to see if the other bill was going to pass, which it did with Sen. Sanborn's help. The committee recommended this bill ought to pass.

Adopted. Ordered to third reading.

HB 656, to prohibit the issuing of special liquor licenses at certain gambling events and to allow on-sale licensees to exclude persons under 20 years of age from areas where liquor is served. Ought to pass. Sen. Blaisdell for the committee.

Sen. Blaisdell moved that HB 656 be laid on the table.
Adopted.

HB 401-FN, creating an exemption from the rooms and meals tax for nonprofit social clubs and fraternal organizations. Inexpedient to legislate. Sen. Blaisdell for the committee.

SEN. BLAISDELL: HB 401-FN creates an exemption from the rooms and meals tax for nonprofit social clubs and fraternal organizations. The Ways and Means Committee really worked over this bill pretty hard. We had tremendous pressures to pass this piece of legislation. We discussed it at length and came up with the plain fact that the State of New Hampshire could not afford to lose the \$1.5-\$2 million in revenue from the Rooms and Meals Tax, so at the time, unfortunately, we have to recommend that this bill be inexpedient to legislate.

SEN. PRESTON: This is a very sensitive subject and I just want to join with Sen. Blaisdell. Every member of this Senate chamber belongs to a fraternal organization or a non-profit organization. None of us wish to do anything punitive to these folks. It comes back down to the fiscal crisis that we are in. Sen. Blaisdell and I were spoken to yesterday by people indicating that they wanted to know whether we were for or against particular organizations. I don't think that is the point. I just want to stand up publicly and say that it is difficult to continue to do this but in lieu of other revenues, I stand fully behind the recommendation made by Ways and Means.

Adopted.

HB 952-FN, taxing the seller on the transfer of real property. Inexpedient to legislate. Sen. Blaisdell for the committee.

SEN. BLAISDELL: HB 952-FN puts a tax on the seller on the transfer of real property. Again this was a very hard decision for the Ways and Means Committee to make because this bill, supposedly, is going to bring in a lot of revenue. We felt, and I believe I am speaking for all of the committee, that with an industry like the real estate business today, and the condition that it is in, that certainly we disagreed that it would take in this kind of money. It was a hard decision for us to make in Ways and Means because of the revenue involved. We are asking you to make it inexpedient to legislate and it is regrettable that we have to do it.

SEN. MANN: Could you tell me the fiscal impact here? What it means?

SEN. BLAISDELL: Yes, I think I mentioned that it is about a \$6 million fiscal impact.

SEN. MANN: \$6 million?

SEN. BLAISDELL: Yes. I think that I mentioned that we have a disagreement on whether or not it will take in that kind of money with the market the way it is today.

SEN. MANN: In the building trades, did you have any input from them on this particular thing?

SEN. BLAISDELL: We had some testimony from the New Hampshire Association of Realtors. We had a lot of correspondence from the realtors in this state feeling that it was a very bad tax, that it would be almost hard to administer. We did have some testimony that maybe we should still put it on the buyer instead of the seller. But we felt that this was double taxation.

SEN. MANN: But you didn't have anything from the people who build the houses? The contractors etc.?

SEN. BLAISDELL: No we did not. They did not come to us and speak against it.

Sen. Monier moved that the words "ought to pass" be substituted for the committee report of "inexpedient to legislate."

SEN. MONIER: I find myself, Mr. President, in a very strange situation. I normally do not speak for expending additional monies, however, I am today because I hope that everyone on the Senate floor understands the seriousness of adopting a resolution of inexpedient to legislate. My estimation, and

I think I am correct, Sen. Blaisdell is sitting beside me and can correct me, but I think the estimated revenue in this is \$6 million. It is already cranked into HB 600. If we were to not pass this bill and adopt an inexpedient to legislate, we are not now looking for about \$50 million, we are looking for \$56 million in cuts. I am going to be very frank with you, I'm getting a little tired of sitting down stairs in Finance until 11:00 to 12:00 at night and I think I speak for a lot of the members of the Finance Committee. We are trying to make authorized, legitimate reductions, not in the true sense of the House structure, line item by line item, which we do not have the staff nor the size in the Senate to do. We have introduced a concept that management is what is needed in the State of New Hampshire and we pay people to do it. We are making cuts across the board within departments, spending hours debating the priorities with the department heads, not in public hearings because that is not what is required, but in work sessions. We have gotten this thing down to where it is Memorial Day weekend. We are going to have to put this on the computer in the final form, at least for the Finance Committee to begin to look at and deal with, and all of a sudden we come out of Ways and Means and anywhere else with a bill that is already passed and ask us to find \$6 million more. If you say to do it, as I stated up there, I will live by the majority of the Senate, but I want you also to know that I am going to turn your phone numbers over to those people who have been calling me. That is not a threat. I am not trying to be funny about it. The point is we have taken and we are faced with massive cuts. We are faced with them not because any of us in Finance likes them, not because anyone in the Senate likes them, but because they have to be done. We are going to get enough pressure. I just think that I would ask all of you to reconsider on your feelings on this matter. I recognize that this is a sellers-buyers, it raises this, that we are in a short term of selling houses and buying houses. But I will be very frank with you, if the difference is between, the points on this is what is going to cost, a sale or a nonsale, I really don't accept that, to be very frank. I don't accept it. As a matter of fact, I would have liked no new revenue and then we could have cut \$170 million out of the budget, but you have to be a little realistic and I have tried to be realistic and am getting accused of everything else. Now I am

on the side of the big spenders. I ask you to make this ought to pass. And I hope the press takes note of that for a change.

SEN. LAMONTAGNE: I'm very sorry but I have to rise in opposition to the proposed motion. The reason I do this is because, and I'm not trying to be selfish in representing my people in the northern part of New Hampshire, we have a serious problem that is going on. We are in a position where we have 400 homes in the city of Berlin that are now for sale. I want you to know that these sellers are offering to sell their property for less than what the valuation of the property is. Many of these people have to. If you go ahead and tax them again on the sale of the property then you are asking these people to take another loss, which I don't think is right. There is no question about it, the northern part of New Hampshire, Berlin and other areas, we are in a depressed area. In fact our population, I'm sure you have seen the figures on how the North Country has decreased in population. This is the reason that all these homes are for sale. The city of Berlin, the city that I am a resident of, because of a mistake that has been made by the Mayor and Council, we are now going to lose another \$600,000 because of the fiscal year being changed, and because our fiscal year is not the same as the other cities. This \$600,000 is going to have to be put on someone if the state doesn't find a way to take care of this problem for the city of Berlin. It means that the property tax owners are going to have another increase in their taxes to make up that loss. I hope that you consider how serious things are up north. I hope that you realize that this is creating another hardship on people who are selling their property. Let me say this, I think there is an easier way to take care of cities and towns, and it is so easy, the only thing you have to do if you want to bring revenue is to increase the \$10 resident tax to \$20 and let the cities and towns have that \$10. At least that way you are going to help the towns and cities by doing something and not hurting them by putting another charge on the seller of real estate.

SEN. PRESTON: I don't mind disagreeing with Sen. Monier. I'm pleased to join with Sen. Lamontagne. I will not support the motion as presented by the President, of ought to pass. I just view this transfer tax as an additional penalty on principally the homeowners who have been bearing the brunt of local and state spending and programs, throughout their

lives, to finally own a house and pay for it. Principally, perhaps, some retired people whose only nestegg is in the home they own and they are going to sell. I, for that very reason, am going to oppose the motion.

SEN. SANBORN: You heard President Monier address this Senate that we are now looking for \$51 million to try and balance the budget. That includes this \$6 million. If you vote this motion down and it will be \$57 million we are looking for. Now let's take a look at where some of this money goes. You have heard Mr. Morse of Manchester, who is the Chairman of the Board of Trustees of the University System, already, without any figures before him, extolling his students in the graduating class, to come to us in the Legislature to put back in any cuts that we may have made. We have got to meet that \$51 million by cutting at least 16% of everybody's budget that comes out of General Funds. That includes the University of New Hampshire. That includes Berlin's Vocational-Technical College, it includes Keene, it includes everybody that comes out of General Funds. Everything that has General Funds in it has got to be cut that much. If you don't pass this bill then it means that they are going to have at least 2% more cut out of them. 2% more cut out of their General Funding that comes from the state. To the Manchester Vo-Tech, the Keene State College, out of Health and Welfare, out of aid to the mentally ill, and so on right down the line. So stop and think very seriously, do you want to cut them that 2% more, or do you want to pass this bill that can provide at least \$6 million toward their relief. That is what you have got to think about this afternoon.

SEN. LAMONTAGNE: Senator, are you aware that the Bank Commissioner came over to see me and warned me that a bank in Berlin was demanding payment of mortgages immediately? Are you aware of that?

SEN. SANBORN: I was not aware of that, but let me ask you one thing in return, we may have to close down one Vo-Tech, do you want it to be the one in Berlin?

SEN. LAMONTAGNE: Isn't it true that the Finance Committee is going to be meeting with the House Appropriations Committee and you are going to have a conference meeting?

SEN. SANBORN: When the two meet head on, somewhere in between, I imagine we will end up with a Committee of Conference. And that may spell the end of the Berlin Vo-Tech.

Also, Senator, it may end up that the town of Pittsburgh, and the other towns up there, may not get any money in lieu of taxes.

SEN. LAMONTAGNE: Isn't there a way that when you people, I'm talking about the Finance Committee, meet with the Appropriations Committee that you would be able to propose an additional \$10 on the resident tax? Couldn't you do that?

SEN. SANBORN: It has been stated in this Senate before in past years and I think it will be stated again, we don't like, and I have never approved, of putting hidden taxes into sections of the appropriations bill. I still don't and I will still not vote for them.

SEN. CHANDLER: We have heard the figure \$6 million kicked around here quite a bit in the past ten minutes. Well actually that \$6 million is estimated revenue for the biennium. It is really \$3 million per year. I don't know whether that figure is inflated or whether it is accurate or not. Some people think that this bill would not yield that amount, of \$3 million per year. Regardless of that, I feel that this proposal here is a kind of a coming and going proposition, to get the tax on the seller and the buyer both. That kind of went against my feeling for fair play. I don't propose to sell any real estate or to buy any real estate, so it won't affect me, but I'm thinking of the person who is out to buy some real estate and has to pay through the nose, we will have to tax them. And then the person who is trying to sell their house, they would be taxed also. Both of them would be taxed. I can appreciate everything that the President of the Senate said about the problems that the Finance Committee are faced with, and I know they are working very hard on it. It is unfortunate that I have to go against them on this particular issue, but it strikes me that in a sense of fair play that we should not tax the buyer and the seller both. I never heard of anything else like that before.

SEN. BLAISDELL: I just thought I would tell you that there are no other states that tax both the buyer and the seller. I want Sen. Sanborn to know that I understand what he is telling me about Keene State College and the Berlin Vo-Tech College, but I also think that you have a responsibility as a State Senator, not to destroy businesses in the state that pay a lot of business profits tax. I think that is

exactly what we are going to be doing here. We are putting too much pressure on the housing industry, too much pressure on an industry today that is floundering in our great state. I know what you are telling me Senator, and if we have to cut at Keene State College and in Berlin, and places like that then we will have to accept it. I am not going to destroy an industry because someone tells me that maybe Keene State College isn't going to get what they want.

SEN. MONIER: As I told you before, I am probably on the wrong side of my own fence, but I will stay there because I always like people to know exactly where I stand. I have not threatened to close Keene State College and I wish you would inform the Chairman of the Board of that so I won't make any more mistakes than I've already made.

SEN. BLAISDELL: I've already told him that, Senator.

Sen. Roy moved the previous question.
Adopted.

Roll Call requested by Sen. Blaisdell.
Seconded by Sen. Monier.

The following Senators voted yes: Hough, Wiggins, Monier, Mann, Sanborn, Brown, and Roy.

The following Senators voted no: Lamontagne, Freese, Chandler, Blaisdell, Boyer, Kelly, Podles, Stephen, Champagne, Lessard, Preston, and Splaine.

7 yeas 12 nays

Motion failed.

Adopted.

Sen. Monier in the Chair.

HB 951-FN, establishing a surtax on the business profits tax. Ought to pass with amendment. Sen. Blaisdell for the committee.

SEN. BLAISDELL: HB 951-FN imposed a 10% surcharge on the business profits tax. The Ways and Means Committee

of the Senate amended this bill to include the 13.5% surcharge on the business profits tax, raising \$17 million for the biennium for the State of New Hampshire. I think that speaks for itself. It was a unanimous vote within the committee.

Amendment to HB 951

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Surtax Imposed on Payments Made Under Business Profits Tax. A surtax is imposed at the rate of 13.5 percent upon every payment made by any business organization under RSA 77-A:6 for the biennium ending June 30, 1983.

Amendment adopted. Ordered to third reading.

HB 505-FN, revising certain parts of the business profits tax. Ought to pass. Sen. Blaisdell for the committee.

SEN. BLAISDELL: HB 505-FN revises certain parts of the business profits tax law to close certain loopholes and to tax business income consistent with federal income tax principles. The bill has four major provisions: 1) is proportionment; 2) is combined reporting; 3) is corporate liquidations; and 4) is the taxation of foreign dividend gross slips which is required by section 78 of the Internal Revenue Code. All these changes are expected to increase the business profits tax revenues for the biennium by at least \$7 million. I will be very happy to answer any questions.

Adopted. Ordered to third reading.

SEN. BLAISDELL: As we ended our discussions yesterday in Senate Ways and Means, the Senate Ways and Means Committee heard a proposal. We did not have a bill in front of us but we heard a proposal that was requested by Sen. Bergeron. I'm a little bit at loss as to how to handle this but I think it should be brought out on the floor of the Senate so that maybe Senate Finance may want to take a look at this. This was a proposal in the state to legalize fireworks. They said that they could raise around \$10 million, \$5 million

each year of the biennium. My own personal opinion is it is not something that I would want to take a look at, but we are in difficult straits in this state. I thought it would be proper to recommend it to Senate Finance Committee, that they may want to take a look at this proposal. I would come down and speak against it but I will be very glad to recommend it because members of my Ways and Means Committee felt it was worthwhile to mention.

HOUSE MESSAGES

HOUSE REQUESTS CONCURRENCE IN AMENDMENT

SB 52, granting to state-chartered financial institutions the powers of similar federally-chartered financial insitutions.

Sen. Freese moved concurrence.

Adopted.

SB 52 was the last bill sponsored by Sen. Poulsen in the 1981 session.

COMMITTEE REPORTS

Sen. Wiggins moved that HB 614 be taken from the table.

Adopted.

HB 614, extending the time limits for action on a motion for a rehearing. Ought to pass with amendment. Sen. Wiggins for the committee.

SEN. WIGGINS: I want to amend the amendment and the bill as it now stands in HB 614. I want to amend the bill by striking out same and inserting in place thereof the following. You have all been passed out the amendment and we ask your concurrence because the other way around it was an open-end checkbook on sewer systems and everything else and we just couldn't afford it.

SEN. MONIER: Sen. Wiggins, for the record then, what you are doing is substituting for the committee report a revised committee report?

SEN. WIGGINS: Yes.

SEN. MONIER: Is the committee aware of this, all members?

SEN. WIGGINS: Yes.

SEN. MONIER: And they are in agreement?

SEN. WIGGINS: Yes.

SEN. MONIER: Then I will rule that what you are now doing is offering a committee amendment.

Amendment to HB 614

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to motions for rehearings
and alternate state contributions for
sewage disposal facilities.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Time Extended for Action of the Commission on a Motion. Amend RSA 149-E:4, III as inserted by 1967, 147:13 by striking out said paragraph and inserting in place thereof the following:

III. Action on Motion. Upon the filing of a motion for reconsideration, the commission shall within 30 days either grant or deny the motion, and, at the same time, shall affirm, modify or reverse its decision.

2 Alternate State Contributions. Amend RSA 149-B by inserting after section 1-a the following new section:

148-B:1-b Alternate State Contributions. Any town with a population of 24,000 or more which undertakes the construction of sewage disposal facilities under the provisions of the Clean Water Act of 1977, as amended, without the benefit of a federal grant is entitled to an alternate state financial contribution, as set forth in this section. In this section "town" shall not include any city or village district. This alternate contribution shall consist of the payment of 20 percent of the annual amortization charges, meaning principal and interest, on the original costs resulting from the acquisition and construction of the sewage disposal facilities. The word "construction" shall include engineering services, in addition to the construction of new sewage treatment plants, pumping

stations, and intercepting sewers; and the altering, improving or adding to existing treatment plants, pumping stations and existing intercepting sewers, provided that the construction has been directed by the water supply and pollution control commission or is a voluntary undertaking designed to control or reduce pollution in the surface waters of the state, as defined in RSA 149:1, and provided that the plan for the facilities is approved in accordance with RSA 148:25. The term "original costs" as used in this section shall mean the entire cost of the construction as defined above, excluding land acquisition, easements, and rights of way necessary to the project.

3 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted. Ordered to third reading.

SUSPENSION OF RULES

Sen. Wiggins moved that the rules of the Senate be so far suspended as to allow a committee report on HB 456 without notice in the calendar.

Adopted.

HB 456, relative to hazardous waste, including the creation of the New Hampshire hazardous waste clean-up fund, and making an appropriation therefor. Ought to pass with amendment. Sen. Wiggins for the committee.

SEN. WIGGINS: We heard this bill this morning. It is a very extensive bill. It pertains to hazardous waste, creating a hazardous waste area, and cleaning up the hazardous waste dumps we now have, and also deals with some rules and regulations pertaining to hazardous waste. It is a very much needed bill I urge your concurrence with the committee.

SEN. MONIER: Is it not correct that you moved for this suspension because this has an appropriation with it?

SEN. WIGGINS: That is right.

SEN. MONIER: Am I correct that this hazardous waste bill, is it the last bill available on which we we can deal with this issue?

SEN. WIGGINS: That is correct.

SEN. MONIER: In your committee, I should add.

SEN. WIGGINS: In my committee.

SEN. MONIER: Are there some amendments that have been offered to you that would affect the financial or the fiscal impact as the bill now stands?

SEN. WIGGINS: I had two amendments offered by the Attorney General's office in clarifying the statute. I had one amendment offered by the Safety Department so they could go into towns over 3,000. Those are the only amendments I received, sir.

SEN. MONIER: Did the committee take any action on those amendments, or were those amendments to accompany the bill to Finance?

SEN. WIGGINS: We did not take action on the amendments. They will accompany the bill to Finance. We were short of time and I had to bring this in.

SEN. MONIER: Would the Chairman be willing to provide the Senate Finance Chairman the consensus of the Committee on Development and Recreation, as to their intentions with those amendments, in front of Senate Finance. Otherwise, my point is we are getting amendments that we have not heard and we will have no time to have a public hearing, which we do not have to do with a referred bill, and I would therefore, respectfully request, that the Chairman of the Dev-Rec, or any member of it, notify us as to their feelings with respect to those amendments. Do I make myself clear?

SEN. WIGGINS: Yes you do. I have the other member of the committee who sat with me. We can give you a decision, as far as I'm concerned the amendments are good for the bill. I would like to defer to Sen. Freese.

SEN. MONIER: May I ask the same question of Sen. Freese, Mr. President?

SEN. FREESE: Yes, the amendments belong with the bill. I would approve the amendments along with the bill.

SEN. MONIER: Then I can conclude from Sen. Freese and Sen. Wiggins that if Finance accepts the bill, and we have now, that the amendments sent with it should be accepted by Finance as amendments to the bill?

SEN. FREESE: Yes, that is so.

SEN. MONIER: This is an unusual request. I think Sen. Wiggins is justified in doing what he did and therefore I support the motion. I just merely wish to let everyone know

that Senate Finance is not going to have time to have a hearing on this bill. And we do not have to under our rules because it has been heard in the other committee. Therefore I will accept the word and the consensus of the Senate, and if I have no objections then I will assume the Senate is conceding with me that the consensus will be that the Senate Finance will agree with this bill with the amendments adopted to it, and will bring it back to this floor for final action or will incorporate it into the budget, whichever is our desire in Senate Finance. I just want all of the Senators present and voting to recognize that. Hazardous waste has a very emotional, press-oriented, sensational form of issue. I do not want Senate Finance caught in the middle on something like this. I have no objections to standing with the Senate on it. Do I make my point clear? I just want it clear in the record as to what the circumstances are. Therefore I support the amendments as long as I have no objections from the members of the Senate. No member of the Senate seems to object, therefore I support the bill strenuously.

SEN. WIGGINS: This is a very, very comprehensive bill. It covers a lot of things. We should have been able to have a hearing and a couple of weeks to work on it but today seems to be the last day that we could get this bill out of my committee and passed through the Senate so that Senate Finance can handle it. There is a lot of money involved. There are some very serious violations called out in there, Class B felonies. In the next session of the Senate they may need to make some revisions in it. But I would say for now that we should pass the bill on to the Senate Finance and see if they return it to us.

Amendment to HB 456-FN

Amend RSA 147-A:16 as inserted by section 2 of the bill by inserting after paragraph II the following new paragraph:

III. Notwithstanding RSA 106-B:15, police employees of the division of state police are authorized to serve criminal process and to make arrests for violations of this chapter and any rules adopted under this chapter.

Amend RSA 147-A:4, V as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

V. If meeting the requirements for the issuance of a permit or complying with the conditions of a permit would, in the opinion of the bureau, cause undue hardship without equal or greater benefit to the public, the bureau may issue an interim permit. The interim permit shall contain a compliance schedule for meeting the requirements of this section and conditions the bureau deems necessary. Renewal or extensions of the compliance schedule may be given only after opportunity for public hearing and comment in the town or city affected by each renewal or extension. No interim permit shall be granted to a person who is causing a danger to public health or safety.

Amend RSA 147-A:4, VI as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

VI. No person shall construct a hazardous waste facility after July 1, 1979, without an interim permit issued by the bureau. The bureau shall include terms and conditions in the interim permit as it deems necessary, utilizing existing rules relative to solid waste and, in the bureau's discretion, standards as proposed by the Environmental Protection Agency as published in the Federal Register under the authority granted in Subtitle C of 42 U.S.C., Section 6901 et seq.

Amendment adopted. Referred to Finance.

Recess.

Out of Recess.

INTRODUCTION OF SENATE RESOLUTIONS

SENATE RESOLUTION NO. 10

Protesting Action by the Vermont Legislature
Repealing Major Sections of the NH/VT
Vehicle Reciprocity Agreement

Whereas, Vermont and New Hampshire, long considered sister states, have lived together harmoniously since colonial days; and

Whereas, a great contribution to this amiable relationship during the last four decades was the adoption by both states in the early forties of a mirror type reciprocity agreement allowing trucks from each state to enjoy full reciprocal privileges to the extent possible; and

Whereas, the Vermont legislature recently enacted a law repealing substantial portions of the reciprocity agreement including: eliminating existing reciprocity agreements with thirteen states and the District; raising the highway use decal fee from \$20 to \$40 — with gross vehicle weights in excess of 18,000 lbs; and charging these carriers \$15 per trip into Vermont effective June 15th; and

Whereas, the State of New Hampshire is required by law (RSA 260:40) to retaliate in kind by imposing trip fees on Vermont trucks for every trip they make into or through our state; and

Whereas, the results of such a border war will be increased costs to all firms doing business in both states, which in turn will be passed on to consumers; and

Whereas, a serious question exists as to whether the action by the Vermont legislature is in violation of the commerce clause of the U.S. Constitution; now therefore, be it

Resolved by the Senate, the House of Representatives concurring:

That New Hampshire respectfully urges the Vermont legislature to repeal House Bill 248 before it is due to become effective on June 15th, and be it

Further resolved that copies of this resolution be sent to Governor Snelling, the President of the Vermont Senate and the Speaker of the Vermont House.

Sen. Blaisdell moved adoption.

SEN. BLAISDELL: Yesterday in Ways and Means, in testimony from Mr. McClary from the Trucking Association, and really this was picked up by Sen. Lamontagne. The Vermont Legislature recently enacted a law repealing substantial portions of the Reciprocity Agreement, including eliminating existing reciprocity agreements with 13 states. They raised

highway decal fees. One that we are deeply concerned with states that they will be charging carriers \$15 per trip into Vermont, effective June 15th. The State of New Hampshire is required by law to retaliate in kind by imposing \$15 on Vermont trucks coming into New Hampshire. I don't think this is what we want. I know it has a deep concern for the city of Keene, anyway, for the border towns and cities like Sen. Lamontagne's, and right up the border. This resolution really sends a protest action to the Governor of the State of Vermont, to the President of the Senate and the Speaker of the House in Vermont. I know that Sen. Lamontagne was very surprised when he saw this. It would raise the cost of doing business close to the border. I would hope that we would be able to convince them to repeal that particular law. This is what this resolution does.

Adopted.

SENATE RESOLUTION NO. 9

requesting an opinion of the Justices
concerning the constitutionality of HB 698.

Whereas, the Senate has under consideration HB 698 which reduces the number of persons on juries in civil cases from 12 to 6; and

Whereas, some members of the Senate question the constitutionality of certain aspects of the proposed legislation;

Now, therefore, be it

Resolved by the Senate;

That the Justices of the Supreme Court are respectfully requested to give their opinion and answer the following question:

"Do any provisions of HB 698 in the form as passed by the House of Representatives violate any provision of the United States Constitution or of the New Hampshire Constitution?"; and

That the clerk of the Senate transmit copies of this resolution and HB 698 as passed by the House of Representatives, to the Justices of the Supreme Court.

Sen. Boyer moved adoption.

SEN. BOYER: I move that the Senate adopt SR 9 requesting the opinion of the justices of the Supreme Court concerning the constitutionality of HB 698 wherein the number of jurors serving on juries in civil cases be reduced from 12 to 6.

Adopted.

Sen. Sanborn in the Chair.

HB 385-FN, relative to the construction of the Franklin-Laconia bypass including a bridge in the City of Franklin over the Pemigewasset River between Routes 3A and 127. Ought to pass. Sen. Rice for the committee.

SEN. RICE: HB 385-FN authorizes a bond issue of \$12 million for the construction of a Franklin-Laconia bypass and a bridge of the Pemigewasset River in Franklin. Phase 1 of this bill authorizes \$5.5 million for the construction of the bridge, that will be the first thing that occurs. Phase 2 is for \$6.5 million, and that is to initiate the design and construction of the bypass. We had a number of people who testified on behalf of this bill. No one spoke in opposition to the bill. The bridge in Franklin is critical for the safety of the citizens of Franklin. This bill will petition the U.S. Secretary of Transportation to take expeditious action on the fiscal and environmental impact. The committee voted unanimous, ought to pass.

Adopted. Referred to Finance.

HB 445-FN, relative to the classification of highways, highway aid apportionment and highway regulation. Ought to pass. Sen. Lamontagne for the committee.

SEN. LAMONTAGNE: The only thing this bill does is it increases the inhabitants from 6,500 to 7,500 in order for them to be able to receive town roads. The Public Works Department is in favor of it. The Transportation Committee is in favor. No one is in opposition. I urge this bill be adopted.

Adopted. Referred to Finance.

SUSPENSION OF RULES

Sen. Bergeron moved that the rules of the Senate be so far suspended as to allow a committee report on HB 340 without previous notice in the calendar.

Adopted.

HB 340, authorizing an engineering study for the central New Hampshire turnpike; a special access to the turnpike at Baboosic lake road or Bedford road; design and construction of certain ramps; and making appropriations therefor. Ought to pass. Sen. Bergeron for the committee.

SEN. BERGERON: The Finance Committee has exected HB 340. It concurs with the action previously taken this afternoon and we wish to get the bill over to the House.

Adopted. Ordered to third reading.

Sen. Bergeron moved to postpone the remaining calendar until Tuesday, June 2, 1981.

Adopted.

Sen. Brown moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, and that when we adjourn we adjourn to Tuesday, June 2, 1981 at 1:00 p.m.; and that we adjourn in honor of the graduates of the N.H. Technical Institute.

Adopted.

LATE SESSION

Third Reading and Final Passage

HB 225, relative to elected planning boards.

HJR 2, to establish a state policy on energy.

HB 873, concerning a type of cruelty to animals, and rescuing victims of it.

HB 36, relative to the fine moneys collected for OHRV violations which are brought in by fish and game personnel.

HB 548-FN, relative to the employment of assistant chief engineer-administrator positions in the water supply and pollution control commission.

HB 863-FN, relative to unemployment compensation.

HB 570-FN, making certain changes in the criminal code and criminal procedures.

HB 905-FN, to limit the money expended by the superior court to the amount appropriated by the county convention.

HB 943-FN, relative to fees in the probate court.

HB 718-FN, providing for discount sales of liquor to on-sale permittees.

HB 521-FN, relative to the tax on meals and rooms.

HB 66-FN, relative to interest and dividends tax returns and exemptions.

HB 951-FN, establishing a surtax on the business profits tax.

HB 505-FN, revising certain parts of the business profits tax.

HB 614, relative to motions for rehearings and alternate state contributions for sewage disposal facilities.

HB 340, authorizing an engineering study for the Central New Hampshire turnpike; a special access to the turnpike at Baboosic lake road or Bedford road; design and construction of certain ramps; and making appropriations therefore.

HB 596-FN, relative to the mill rate charged for municipal permit fees on motor vehicles.

Adopted.

Sen. Freese moved adjournment at 5:15 p.m.

Adopted.

Tuesday, June 2, 1981

The Senate met at 1:00 p.m.

A quorum was present.

The prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Hear the cries of the people, Lord, as they know not what to do or where to turn with the threatened monetary cuts and deletions which seem to be needed at this time.

Send us we pray — the wisdom to be able to do the best that we can to alleviate the problems which face us all — and the stamina to bring about a solution with Thy help and our support!

Hear us Lord!

We also pray for the full recovery of Senator Vesta Roy.

Amen

Senator Podles led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

OPINION OF SUPREME COURT JUSTICES

May 26, 1981

The following resolution, Senate Resolution No. 7, requesting an opinion of the justices was adopted by the Senate on April 22, 1981, and filed in the supreme court on April 29, 1981:

“Whereas, there is pending before the senate Senate Bill 39-FN, an act to repeal the interest and dividends tax; and

“Whereas, said bill provides for the repeal of chapter 77 of the Revised Statutes Annotated relative to the taxation of incomes; and

“Whereas, questions have arisen as to the constitutionality of the law which the proposed act is designed to repeal; now, therefore, be it

“Resolved by the Senate:

“That the Justices of the Supreme Court be respectfully requested to give their opinion upon the following questions:

“1. Does the supreme legislative power vested in the senate and the house of representatives pursuant to part 2, article 2d. of the constitution of New Hampshire include the power to tax the income of individuals, partnerships, associations, trusts, and fiduciaries?

“2. If the senate and the house of representatives may constitutionally tax income, are the classes of income which are taxed under RSA 77 valid classifications for purposes of taxa-

tion pursuant to part 2, articles 5th and 6th. of the constitution of New Hampshire.

“Be it Further Resolved that the clerk of the Senate transmit 7 copies of this resolution and 7 copies of Senate Bill 39-FN to the Justices of the Supreme Court.”

The following reply is returned:

To the Honorable Senate:

We observe that if the first question of the resolution related to a specific, pending legislative proposal, we would be required, by part II, article 74 of our constitution to respond to it. See *Opinion of the Justices*, 82 N.H. 561, 570, 138 A. 284, 289 (1927). Paragraph three of the resolution, however, makes clear that the request of the Senate concerns the constitutionality of the existing statute RSA ch. 77, which the proposed law is designed to repeal.

Question two of the resolution clearly concerns the constitutionality of an existing statute, RSA ch. 77. We have recently reaffirmed this court's long-standing position that the State Constitution, NH. CONST. pt. II, art. 74, does not permit the supreme court to advise the legislature on the constitutionality of existing laws. *Opinion of the Justices*, 121 N.H., A.2d (April 6, 1981).

Under these circumstances, the justices of the supreme court respectfully request that they be excused from answering the questions contained in the resolution as not being within the spirit or letter of the constitutional provision, N.H. CONST. pt. II, art. 74. *Opinion of the Justices*, 121 N.H., A.2d, (April 6, 1981); *Opinion of the Justices*, 119 N.H. 266, 268, 401 A.2d 507, 508 (1979).

William A. Grimes
Charles G. Douglas, III
John W. King

Maurice P. Bois
David A Brock

OPINION OF THE JUSTICES

May 28, 1981

The following resolution, Senate Resolution No. 6, requesting an opinion of the justices was adopted by the Senate on April 22, 1981 and filed in this court on April 28, 1981:

“Whereas, there is pending before the senate Senate Bill 29, an act limiting the campaign contributions which all New Hampshire candidates for local, county, or state office may accept; and

“Whereas, said bill states as its purpose that it is in the public interest to encourage and enable all individuals to run for public office; that it is further in the public interest to limit federal requirements regarding campaign financing; that the general court recognizes that, under the guise of election law reform, the electoral process has been corrupted and turned into a commercial enterprise in which only wealthy candidates may compete; that the general court therefore declares that the means for enabling all citizens to run for public office is to limit the campaign contributions which candidates may accept and the money they may spend in running for all county, state, and local offices; and that in limiting campaign contributions to candidates for office, the general court recognizes a differing opinion between it and the United States Supreme Court over the states’ regulation of elections; and

“Whereas, said bill applies only to limiting campaign contributions that candidates may receive for state offices, and does not limit in any way campaign contributions for federal offices; and

“Whereas, said bill provides that a candidate for governor, governor’s councilor, county officer, or state senator may accept total contributions in both a primary and a general or special election to \$.50 multiplied by the number of voters qualified at the last general election to vote for the office which the candidate seeks; and

“Whereas, said bill provides that a presidential elector running in a general election may also accept total contributions equal to \$.50 multiplied by the number of voters qualified at the last general election to vote for the office which the candidate seeks; and

“Whereas, said bill further provides that a candidate for representative to the general court, and candidate for city, town, school district, or village district office in a primary, general, or special election may accept total contributions equal to \$.25 multiplied by the number of voters qualified at the last general, municipal, or school district election to vote for the office which the candidate seeks; and

“Whereas questions have arisen as to the constitutionality of the proposed act; now, therefore, be it

“Resolved by the Senate:

“That the Justices of the Supreme Court be respectfully requested to give their opinion upon the following questions:

“Is the campaign contribution limits formula in Senate Bill 29 based upon a dollar amount multiplied by the number of voters qualified to vote at the last general election constitutional, and is any formula which limits the total contributions which candidates for state office may accept based upon the number of eligible voters in the state constitutional?

“Be It Further Resolved that the clerk of the Senate transmit 7 copies of this resolution and 7 copies of Senate Bill 29 to the Justices of the Supreme Court.”

The following answer was returned:

To the Honorable Senate:

The undersigned Justices of the Supreme Court reply as follows to your request filed in this court on April 28, 1981.

Both questions transmitted herein raise the issue of whether the General Court can constitutionally and unconditionally limit the total amount of contributions that a candidate for State office may accept. Apart from expenditures which a candidate could make on his own behalf from his personal assets, the practical effect of a limitation upon the amount of contributions a candidate for public office can accept is to place a limit upon the amount of money that he can spend in pursuit of that office. Such a restriction would clearly affect potential contributors' rights of freedom of speech and association and a candidate's ability to engage in the expression of his political views, particularly his access to paid political advertising. Because Senate Bill No. 29, if enacted, would have a substantial effect on the ability of both citizens and candidates to express their political views and associate with one another, the Bill raises serious concerns under the First Amendment of the Constitution of the United States, see *Buckley v. Valeo*, 424 U.S. 1, 54-59 (1976) (per curiam), and under part 1, article 32 of the New Hampshire Constitution.

In *Buckley v. Valeo supra*, the United States Supreme Court held that the rights secured under the First Amendment forbid Congress from enacting and enforcing laws that unconditionally limit the amount a candidate for federal office can spend in his election campaign. Because the United States Supreme

Court has also held that the basic constitutional protections guaranteed by the First Amendment are, under the Fourteenth Amendment, applicable to the States whenever they exercise their powers of supervision over the electoral process, *Communist Party of Indiana v. Whitcomb*, 414 U.S. 441, 449 (1974), there can be no doubt that *Buckley* applies with equal force to the States, and is therefore binding upon this court. See *Communist Party of Indiana v. Whitcomb*, 414 U.S. at 449-50. Further, the New Hampshire Constitution guarantees the same right to free speech and association. N.H. Const. pt. I, art. 32; see *State v. Nickerson*, 120 N.H., 424 A.2d 190, 193-94 (1980).

Senate Bill 29 would limit the amount of contributions a candidate for state or local office may accept, while *Buckley* forbids placing a limitation upon campaign spending. In strictly scrutinizing the provisions of the proposed statute, it is our opinion that the difference between an unconditional limitation on the amount of contributions a candidate may accept and a similar limitation on the amount a candidate may spend is one of form, not of substance. In either case, it is our opinion that both the First Amendment of the Constitution of the United States and part I, article 32 of the New Hampshire Constitution forbid such an encroachment upon free expression and association. "The First Amendment's protection against governmental abridgment of free expression cannot properly be made to depend on a person's financial ability to engage in public discussion." *Buckley v. Valeo*, 424 U.S. at 49. An unconditional restriction on the total amount of contributions that a candidate can accept impermissibly limits a candidate's "financial ability to engage in public discussion." Despite its laudable purpose to control escalating campaign costs, it cannot survive under the State and Federal Constitutions.

We therefore answer both of the questions transmitted "no."

William A. Grimes
Charles G. Douglas, III
John W. King

Maurice P. Bois
David A. Brock

ENROLLED BILLS AMENDMENTS

HB 457, making certain revisions in the motor vehicle road toll laws. Sen. Wiggins for the committee.

SEN. WIGGINS: This amendment corrects a number of errors in the amending language and typographical errors and eliminates a contingency section which is no longer necessary because HB 100 has become law.

Enrolled Bill Amendment to HB 457-FN

Amend section 4 of the bill by striking out line 2 and inserting in place thereof the following:

RSA 265:12 by striking out said section and inserting in place

Amend section 5 of the bill by striking out line 2 and inserting in place thereof the following:

RSA 265:14 by striking out said section and inserting in place

Amend section 7 of the bill by striking out line 1 and inserting in place thereof the following:

7 Inspection of Transporter Records. Amend RSA 265:16 by

Amend section 11 of the bill by striking out lines 1-3 and inserting in place thereof the following:

11 Citation Added. Amend RSA 265:22, III-e (supp) as inserted by 1979, 358:8, IX by striking out said paragraph and inserting in place thereof the following:

Amend section 13 of the bill by striking out line 2 and inserting in place thereof the following:

Eliminated. Amend RSA 265:22, IX (supp) as inserted by 1979, 358:8, X by striking

Amend section 15 of the bill by striking out lines 1-3 and inserting in place thereof the following:

15 Auxiliary Fuel Tanks; Rulemaking Authority. Amend RSA 265:27 by striking out said section and inserting in place thereof the following:

Amend section 17 of the bill by striking out lines 2 and 3 and inserting in place thereof the following:

259:60, IV by striking out said paragraph and inserting in place thereof the following:

Amend section 18 of the bill by striking out lines 1-3 and inserting in place thereof the following:

18 Exemption for Counties (Recodified). Amend RSA 260:32, V by striking out said paragraph and inserting in place thereof the following:

Amend section 20 of the bill by striking out lines 2 and 3 and inserting in place thereof the following:

(Recodified). Amend RSA 260:40 by striking out said section and inserting in place thereof the following:

Amend section 25 of the bill by striking out lines 2 and 3 and inserting in place thereof the following:

RSA 260:47, I by striking out said paragraph and inserting in place thereof the following:

Amend section 26 of the bill by striking out lines 1-3 and inserting in place thereof the following:

26 Application for Refund (Recodified). Amend RSA 260:47, II(c) by striking out said subparagraph and inserting in place thereof the following:

Amend section 27 of the bill by striking out lines 2 and 3 and inserting in place thereof the following:

Clarified (Recodified). Amend RSA 260:52, V by striking out said paragraph and inserting in place thereof the following:

Amend RSA 260:52, X as inserted by section 28 of the bill by striking out line 2 and inserting in place thereof the following:

summons may be served on the owner or lessee of any vehicle driven in

Amend section 29 of the bill by striking out lines 2-4 and inserting in place thereof the following:

Eliminated (Recodified). Amend RSA 260:52, XVII by striking out said paragraph and inserting in place thereof the following:

Amend section 31 of the bill by striking out lines 2 and 3 and inserting in place thereof the following:

260:58 by striking out said section and inserting in place thereof the following:

Amend the bill by striking out all after section 32 and inserting in place thereof the following:

33 Effective Date.

I. Sections 1, 3, 4, 5, 6, 7, 10, 12, 13 and 14 of this act shall take effect July 1, 1981.

II. Sections 2, 8, 9, 11, 15 and 16 of this act shall take effect 60 days after its passage.

III. Sections 17-32 of this act shall take effect January 1, 1982, at 12:01 a.m.

Amendment adopted.

HB 408-FN, relative to the issuance of agricultural registrations. Sen. Wiggins for the committee.

SEN. WIGGINS: This amendment corrects the amending language in 2 sections, corrects a citation and eliminates the contingency section of the bill, which is no longer necessary because HB 100 has already passed.

Enrolled Bill Amendment to HB 408-FN

Amend section 2 of the bill by striking out line 1 and inserting in place thereof the following:

2 Recodified Section Amended. Amend RSA 261:82 by striking

Amend RSA 261:82 as inserted by section 2 of the bill by striking out line 17 and inserting in place thereof the following:

RSA 261:82 and hereby certify that my vehicle will be used for

Amend section 3 of the bill by striking out line 1 and inserting in place thereof the following:

3 Recodified Fee Changed. Amend RSA 261:141, III(a) by striking out

Amend the bill by striking out all after section 3 and inserting in place thereof the following:

4 Effective Date.

I. Section 1 of this act shall take effect 60 days after its passage.

II. Sections 2 and 3 of this act shall take effect January 1, 1982, at 12:01 a.m.

Amendment adopted.

HB 104, relative to restricted licenses. Sen. Wiggins for the committee.

SEN. WIGGINS: This bill adds 2 sections to the bill which insert the changes made by this bill into the recodified motor vehicle laws.

Enrolled Bill Amendment to HB 104

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Restricted License for Certain Purposes (Recodified). Amend RSA 263:13 by striking out said section and inserting in place thereof the following:

263:13 Restricted Licenses.

I. The department, upon issuing a driver's license, may for good cause impose restrictions suitable to the licensee's driving ability with respect to special mechanical control devices required on a motor vehicle which the licensee may drive or such other restrictions applicable to the licensee as the department may determine to be appropriate to assure the safe driving of a motor vehicle by the licensee.

II. The department may issue a restricted license to a person who can safely drive a motor vehicle during daylight hours, but who, for medical reasons, can not safely drive a motor vehicle during darkness.

III. The department may either issue a special restricted license or may set forth such restrictions upon the usual license form.

IV. The department may, upon receiving satisfactory evidence of any violation of the restrictions of such license, suspend or revoke the same, but the licensee shall be entitled to a hearing as upon a suspension or revocation under this chapter.

V. It is a violation for any person to drive a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to him.

4 Old Section Divided (Recodified). Amend RSA 263 by inserting after section 39 the following new section:

263:39-a Intrastate License for Nonresident. Notwithstanding any other provisions of the law to the contrary, the director may issue a driver's license to a nonresident which shall allow the licensee to drive a motor vehicle in this state only.

5 Effective Date.

I. Sections 1 and 2 of this act shall take effect 60 days after its passage.

II. Sections 3 and 4 of this act shall take effect January 1, 1982, at 12:01 a.m.

Amendment adopted.

HB 469, relative to the use of emergency signals by emergency vehicles. Sen. Wiggins for the committee.

SEN. WIGGINS: This amendment adds a new section to the bill which makes a necessary change in the recodified version of the paragraph amended by the bill.

Enrolled Bill Amendment to HB 469

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Audible or Visual Signals (Recodified). Amend RSA 265:8, III by striking out said paragraph and inserting in place thereof the following:

III. The exemptions herein granted to an emergency vehicle shall apply only when such vehicle is making use of audible or visual emergency signals, or, in the case of a privately-owned vehicle being driven by a volunteer firefighter or other volunteer emergency personnel, when such vehicle is making use of audible or visual emergency signals, or when an emergency vehicle is in pursuit of an actual or suspected violator of the law.

3 Effective Date.

I. Section 1 of this act shall take effect 60 days after its passage.

II. Section 2 of this act shall take effect January 1, 1982, at 12:01 a.m.

Amendment adopted.

HB 294-FN, imposing a penalty for improperly parking in areas designated for handicapped persons. Sen. Wiggins for the committee.

SEN. WIGGINS: This amendment adds a section to the bill which makes the bill conform to the recodification of the motor vehicle law.

Enrolled Bill Amendment to HB 294-FN

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Unauthorized Parking in Space for Handicapped Prohibited (Recodified). Amend RSA 265:69, I by inserting after subparagraph (i) the following new subparagraph:

(j) In any parking place, whether on public or private property, specially designated for the physically handicapped by

means of a sign stating that the space is reserved for the physically handicapped or displaying the wheelchair symbol as defined in RSA 275-C:9, I(a), unless that person has special number plates, a number plate decal or a tag or card issued pursuant to RSA 261:86, 87 or 88.

4 Effective Date.

I. Sections 1 and 2 of this act shall take effect 60 days after its passage.

II. Section 3 of this act shall take effect January 1, 1982, at 12:01 a.m.

Amendment adopted.

HB 400, to permit a waiver of the motor vehicle equipment requirements or prohibitions in automobiles of handicapped persons. Sen. Wiggins for the committee.

SEN. WIGGINS: This amendment adds a section to the bill which inserts the statute added by this bill into the recodified motor vehicle laws.

Enrolled Bill Amendment to HB 400

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 New Section (Recodified). Amend RSA 266 by inserting after section 61 the following new section:

266:61-a Equipment Waiver for Handicapped.

I. Any physically handicapped person who is inconvenienced by any provision of this title requiring or prohibiting the use of certain equipment on a motor vehicle may apply to the department for a waiver of said provision.

II. Within 20 days of receiving such application, the commissioner or his designee shall respond to the applicant either granting the waiver or denying it.

III. In deciding whether or not to grant the waiver, the commissioner or his designee shall balance the inconvenience to the applicant against the importance of the provision sought to be waived and the safety of the general public. The commissioner or his designee may require an inspection or demonstration or both of the modified or new equipment which the applicant

seeks to use. For the purpose of such investigation or demonstration the commissioner or his designee may grant a temporary waiver.

IV. If the application is denied, the commissioner or his designee shall state in writing the reasons for the denial. Any person whose application has been denied shall have the right to appeal pursuant to RSA 541.

V. If the waiver is granted, the department shall issue an equipment permit to the applicant. Such permit shall be kept in the vehicle while the equipment for which the waiver was sought is being used.

VI. The commissioner or his designee may attach whatever conditions he deems necessary to the granting of the waiver. Such conditions shall be noted on the permit.

VII. The waiver granted by the commissioner or his designee shall be for a period not to exceed 2 years. The applicant may reapply for the waiver before such period expires.

VIII. To commissioner shall have the authority to adopt rules pursuant to RSA 541-A relative to:

(a) The information to be contained on the application for a waiver;

(b) The information to be contained on the permit; and

(c) Restricting the operation of the motor vehicle to the use listed on the permit.

3 Effective Date.

I. Section 1 of this act shall take effect 60 days after its passage.

II. Section 2 of this act shall take effect January 1, 1982, at 12:01 a.m.

Amendment adopted.

HB 672-FN, relative to establishing a moped operator's license. Sen. Wiggins for the committee.

SEN. WIGGINS: This amendment eliminates some wording which should have been removed when the bill was originally amended and removes a contingency provision no longer of any use since HB 100 has passed.

Enrolled Bill Amendment to HB 672-FN

Amend section 2 of the bill by striking out line 1 and inserting in place thereof the following:

2 Special Moped License. Amend RSA 261 by

Amend section 5 of the bill by striking out line 1 and inserting in place thereof the following:

5 Special Moped License (Recodified). Amend

Amend the bill by striking out all after section 6 and inserting in place thereof the following:

7 Effective Date.

I. Sections 1-3 of this act shall take effect 60 days after its passage.

II. Sections 4-6 of this act shall take effect January 1, 1982, at 12:01 a.m.

Amendment adopted.

HB 856-FN, establishing the women, infants, and children (WIC) program. Sen. Wiggins for the committee.

SEN. WIGGINS: This amendment corrects a typographical error in Section 2 and technical error in the amending language in Section 3.

Enrolled Bill Amendment to HB 856-FN

Amend RSA 132:12-a as inserted by section 2 of the bill by striking out lines 4 and 5 and inserting in place thereof the following:

federal regulations promulgated by the Department of Agriculture and subject to continued funding from the federal Department of Agriculture.

Amend section 3 of the bill by striking out line 2 and inserting in place thereof the following:

section and inserting in place thereof the following:

Amendment adopted.

HB 547, providing a period of grace for failing to obey motor vehicle inspection requirements. Sen. Wiggins for the committee.

SEN. WIGGINS: This amendment inserts 2 words in one sentence to clarify the meaning of the sentence and adds a new section to the bill which amends the recodified version of the section.

Enrolled Bill Amendment to HB 547

Amend RSA 260:16 as inserted by section 1 of the bill by striking out line 4 and inserting in place thereof the following:

violation, and the director may refuse to register, or may suspend or revoke the

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Grace Period (Recodified). Amend RSA 266:5 by striking out said section and inserting in place thereof the following:

266:5 Penalty for Failing to Obey Inspection Requirements. The driver or owner of any motor vehicle failing to comply with the requirements of the director relative to inspection shall be guilty of a violation, and the director may refuse to register, or may suspend or revoke the registration of, any motor vehicle, trailer or semi-trailer which has not been inspected as required or which is unsafe or unfit to be driven; provided, however, no person shall be charged with a violation of this section until a period of 10 days has elapsed from the date the inspection was due. This section shall not apply to those vehicles required to be inspected under the provisions of RSA 266:1, IV.

3 Effective Date.

I. Section 1 of this act shall take effect 60 days after its passage.

II. Section 2 of this act shall take effect January 1, 1982, at 12:01 a.m.

Amendment adopted.

HB 775-FN, relative to suspending an individual from receiving old age assistance or aid the permanently and totally disabled if property is transferred to avoid recovery. Sen. Wiggins for the committee.

SEN. WIGGINS: This amendment makes technical changes in the amending language.

Enrolled Bill Amendment to HB 775-FN

Amend section 1 of the bill by striking out lines 2 and 3 and inserting in place thereof the following:

Recovery. Amend RSA 167:4, II (supp) as inserted by 1965, 154:1 as amended by striking out said paragraph and inserting in place thereof the following:

Amendment adopted.

HB 28, to raise the minimum damage amount for reportable accidents and to raise the minimum amount of damage to property for purposes of defining accident in insurance rate manuals from \$300 to \$500. Sen. Wiggins for the committee.

SEN. WIGGINS: This amendment adds a section to the bill which amends a provision of the recodified motor vehicle laws to make it conform to the other provisions of this bill.

Enrolled Bill Amendment to HB 28

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Raising Minimum Damage Amount (Recodified). Amend RSA 264:25, I by striking out said paragraph and inserting in place thereof the following:

I. Any person who is the driver of a vehicle who is knowingly involved in any accident which results in death, personal injury or damages to property, shall immediately stop such vehicle at the scene of such accident and give to the driver of any other

vehicle involved in said accident, and to the person injured, or the owner of the property damaged, his name and address, the number of the driver's license, the registration number of the vehicle and the name and address of each occupant thereof. If by reason of injury, absence or removal from the place of the accident, or other cause, such injured person, or driver of such other vehicle, or owner of the property damaged, or any of them, is unable to understand or receive the information required hereunder, such information shall be given to any uniformed police officer arriving at the scene of the accident or immediately to a policeman at the nearest police station. Any person driving a vehicle which is in any manner involved in an accident shall within 5 days after such accident report in writing to the division the facts required hereunder together with a statement of the circumstances if any person is injured or killed, or if damage to property is in excess of \$500. Voluntary intoxication shall not constitute a defense in the matter of knowledge under the provisions of this section. Such report, the form of which shall be prescribed by said director, shall contain information to enable the division to determine whether the requirements for the deposit of security under RSA 264:3, are inapplicable by reason of the existence of insurance or other exceptions specified in that chapter. If such driver is physically or mentally incapable of making such report, the owner of the vehicle involved in such accident or his representative shall, after learning of the accident, forthwith make such report. The driver or the owner shall furnish such additional relevant information as the division shall require. The provisions of this section shall be of general application and shall not be restricted to a way as defined in RSA 259.

4 Effective Date.

I. Sections 1 and 2 of this act shall take effect 60 days after its passage.

II. Section 3 of this act shall take effect January 1, 1982, at 12:01 a.m.

Amendment adopted.

HB 948-FN, establishing a security force at Laconia state school and training center and clarifying the training requirement for security officers at New Hampshire hospital. Sen. Wiggins for the committee.

SEN. WIGGINS: This amendment renumbers the sections in the new subdivision because of the passage of HB 801 earlier in the session.

Enrolled Bill Amendment to HB 948-FN

Amend section 1 of the bill by striking out line 2 and inserting in place thereof the following:

after section 61 the following new subdivision:

Amend section 1 of the bill by striking out line 4 and inserting in place thereof the following:

126-A:62 Laconia State School Security Force. The superintendent of

Amend section 1 of the bill by striking out line 10 and inserting in place thereof the following:

162-A:63 Authority. All security officers of the Laconia state school

Amend section 1 of the bill by striking out line 19 and inserting in place thereof the following:

126-A:64 Training.

Amendment adopted.

HB 95, making certain technical terminology changes in the public utility bond financing act. Sen. Wiggins for the committee.

SEN. WIGGINS: This amendment makes technical corrections in the amending language.

Enrolled Bill Amendment to HB 95

Amend section 4 of the bill by striking out line 6 and inserting in place thereof the following:

manner provided in) so that said paragraph as amended shall read as follows:

Amend section 12 of the bill by striking out line 4 and inserting in place thereof the following:

said section as amended shall read as follows:

Amendment adopted.

HB 390, relative to notice to lessees of certain safe deposit boxes concerning insurance on the contents of certain safe deposit boxes. Sen. Wiggins for the committee.

SEN. WIGGINS: This bill corrects a grammatical error.

Enrolled Bill Amendment to HB 390

Amend RSA 393:45-a, I as inserted by section 1 of the bill by striking out line 3 and inserting in place thereof the following:

suitably constructed vaults on its own premises. The installation and

Amendment adopted.

HB 383, amending certain laws relative to education. Sen. Wiggins for the committee.

SEN. WIGGINS: This amendment corrects grammatical errors in RSA 186:11, XXIII and RSA 189:47.

Enrolled Bill Amendment to HB 383

Amend RSA 186:11, XXIII as inserted by section one of the bill by striking out line 2 and inserting in place thereof the following:

the superintendent, assistant superintendents, teacher consultants or

Amend RSA 189:47 as inserted by section 2 of the bill by striking out line 2 and inserting in place thereof the following:

school administrative unit board shall adopt a budget required for the

Amendment adopted.

HB 389, relative to the use of dealer plates on consigned vehicles. Sen. Wiggins for the committee.

SEN. WIGGINS: This amendment eliminates a contingency provision which is no longer necessary because HB 100 has already passed.

Enrolled Bill Amendment to HB 389

Amend the bill by striking out all after section 4 and inserting in place thereof the following:

5 Effective Date.

I. Sections 1 and 2 of this act shall take effect 60 days after its passage.

II. Sections 3 and 4 of this act shall take effect January 1, 1982, at 12:01 a.m.

Amendment adopted.

HOUSE CONCURS

SB 90, authorizing the housing finance agency to purchase loans from lending institutions whether or not secured by a mortgage.

SB 218, relative to the regulation of odometer disclosure.

SB 247, setting the judgment interest rate at 10 percent.

SB 294, relative to the duration of alimony orders.

SB 284-FN, to permit the issuance of liquor licenses to college clubs and the Wilrose Farms.

SB 154, relative to terms of members of a historic district commission.

SB 131, requiring notice to towns and cities of impending default judgments.

SB 135, relative to residents and inhabitants.

SB 168, relative to the transfer of a motor vehicle owned by husband and wife after the death of one spouse.

HOUSE CONCURS WITH AMENDMENTS

HB 123, relative to sunset review of nursing scholarships, transferring the program to the post-secondary education commission.

HB 670, establishing a committee to study municipal fiscal matters and relating to certain loans issued by municipalities.

HOUSE REFERS TO INTERIM STUDY

SB 59-FN, relative to the illegal sale of controlled drugs.

SB 158, relative to negotiators for any bargaining unit.

HOUSE NONCONCURS

SB 223, relative to regulation of garbage carriers.

SB 51, relative to insanity in criminal and civil proceedings.

SB 290, providing that joint committees be made up of equal numbers of members from the senate and the house.

HOUSE REQUESTS CONCURRENCE IN AMENDMENTS

SB 138, relative to the operation of bicycles.

Sen. Mann moved Concurrence.

Adopted.

SB 224, relative to mortgages on manufactured housing.

Sen. Freese moved Concurrence.

Adopted.

SJR 2, relative to retirement credit for Margaret M. Upson.

Sen. Hough moved Concurrence.
Adopted.

SB 246, relative to the use of force in defense of premises.

Sen. Brown moved Concurrence.
Adopted.

SB 243-FN, relative to investing state pension funds in home mortgage markets.

Sen. Brown moved Concurrence.
Adopted.

SB 96-FN, requiring legislative approval of applications for federal funds.

Sen. Blaisdell moved Concurrence.
Adopted.

HOUSE NONCONCURS REQUESTS A COMMITTEE OF CONFERENCE

HB 193-FN, relative to sunset review of OHRV program (DRED).

Sen. Wiggins moved that we accede to the request.
Adopted.

The Chair appoints Senators Wiggins, Brown, and Freese.

HOUSE REQUESTS CONCURRENCE IN AMENDMENTS

SB 307, relative to the regulation of business practices between motor vehicle manufacturers.

Sen. Wiggins moved to nonconcur and requests a committee of conference.

Adopted.

The Chair appoints Senators Brown, Mann, and Blaisdell.

SB 83, relative to witnesses at a marriage ceremony and the fee charged for performing such ceremony.

Sen. Podles moved to nonconcur and requests a committee of conference.

Adopted.

The Chair appoints Senators Podles, Wiggins, and Lamontagne.

SB 141, relative to the disqualification of a probate judge.

Sen. Champagne moved to nonconcur and requests a committee of conference.

Adopted.

The Chair appoints Senators Champagne, Boyer, and Splaine.

SB 203, to promote the development of the domestic wine industry in New Hampshire.

Sen. Blaisdell moved to nonconcur and requests a committee of conference.

Adopted.

The Chair appoints Senators Freese, Blaisdell, and Kelly.

SB 48, providing mandatory extended sentences for persons convicted of crimes against the elderly or handicapped.

Sen. Champagne moved to nonconcur and requests a committee of conference.

Adopted.

The Chair appoints Senators Conley, Champagne, and Lamontagne.

SB 258-FN, relative to jury selection and service.

Sen. Champagne moved to nonconcur and requests a committee of conference.

Adopted.

The Chair appoints Senators Champagne, Lessard, and Chandler.

HOUSE REFUSES TO CONCUR IN AMENDMENT REQUESTS COMMITTEE OF CONFERENCE

HB 141, relative to the sunset review of the board of accountancy.

Sen. Conley moved to accede to the request.

Adopted.

The Chair appoints Senators Conley, Sanborn, and Stephens.

HB 258, providing for an adjusted elderly exemption from property taxes by local option.

Sen. Conley moved to accede to the request.

Adopted.

The Chair appoints Senators Conley, Sanborn, and Stabile.

HB 771-FN, changing the procedure for removal of names from the checklist and adding an exception to checklist verification every ten years.

Sen. Conley moved to accede to the request.

Adopted.

The Chair appoints Senators Conley, Sanborn, and Stephens.

HB 852, relative to membership on the New Hampshire veterans' home board of managers.

Sen. Conley moved to accede to the request.

Adopted.

The Chair appoints Senators Conley, Sanborn, and Stabile.

HB 161, relative to sunset review of the nurses registration board.

Sen. Conley moved to accede to the request.

Adopted.

The Chair appoints Senators Conley, Sanborn, Stabile, and Rice.

HB 147, relative to the sunset review of the cosmetology and barbers board.

Sen. Conley moved to accede to the request.

Adopted.

The Chair appoints Senators Conley, Sanborn, Stabile, and Lessard.

HB 208, relative to sunset review of the state prison.

Sen. Stabile moved to accede to the request.

Adopted.

The Chair appoints Senators Stabile, Podles, and Champagne.

COMMITTEE REPORTS

HB 720, relative to interest on property taxes. Ought to pass with amendment. Sen. Stabile for the committee.

SEN. STABILE: This bill sets a flexible interest rate on unpaid property taxes. The rate will be at the same interest rate as 13-week Treasury Notes. As you are well aware, with short-term money rates being as inflexible as they are today, and going all over the place, this had to be done as of August 1st. We are going to use the 13-week Treasury Note, or 9%, whichever is higher. The State Treasurer will determine and publish the rates as of August 8th of each year. The interest rates under semi-annual collections, and after tax sales, is also based on a flexible rate. At the same time, this bill also addresses the annual interest rate on judgments or business transactions, unless otherwise agreed upon in writing, at the greater of the discount rate on 90-day commercial paper at the Federal Reserve Bank of Boston, plus three percentage points, or 12%. The Bank Commissioner certifies the discount rate quarterly and when it changes between quarters, to the Clerks of the Municipal, District and Superior Courts.

SEN. LESSARD: I was under the impression that we passed a bill, oh, three weeks ago or so, raising the interest rate to 18%. Am I incorrect on that?

SEN. STABILE: What basically happened here is, I don't have the Chairman's copy, it was amended out, and you will find in your Senate Calendar 41 that the amendment changed the interest rate to 12% per annum, and charged all the taxes except residential taxes not paid on or before December 1st, after assessment, and on page 15 of that same book it says, "Eighteen percent upon the whole amount for the time of sale to the time of payment."

SEN. LAMONTAGNE: Is there going to be a notice to the Tax Collectors for these people to inform them about this information?

SEN. STABILE: Yes, Sen. Lamontagne.

SEN. LAMONTAGNE: There will be a notice?

SEN. STABILE: Yes.

Amendment to HB 720

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Interest. Amend RSA 76:13 (supp) as amended by striking out in line one the number "9" and inserting in place

thereof the following (12) so that said section as amended shall read as follows:

76:13 Interest. Interest at 12 percent per annum shall be charged upon all taxes except resident taxes not paid on or before December 1 after their assessment, which shall be collected from that date with the taxes as incident thereto, except in the case where a tax bill sent to the taxpayer on or after November 2 and before April 1 of the following year interest shall not be charged until 30 days after the bills are mailed. Interest due that amounts to less than \$1 may be waived by the collector, with the approval and consent of the board of selectmen and the board of assessors, if in his judgment the administrative and collection costs involved do not warrant collection on the amount due. The tax collector shall state on the tax bill the date from which interest will be charged and such date shall be determined by the day the collector sends out the last tax bill on his list. The collector shall notify the commissioner of revenue administration in writing of the date on which the last tax bill was sent.

Amend the bill by striking out sections 5 and 6 and inserting in place thereof the following:

5 Redemption. Amend RSA 80:32 as amended by striking out in line 5 the word "eleven" and inserting in place thereof the following (18) so that said section as amended shall read as follows:

80:32 Redemption. Any person interested in land so sold may redeem the same by paying or tendering to the collector or in his absence, at his usual place of abode, at any time before a deed thereof is given by the collector, the amount for which the land was sold, together with costs for notifying mortgagees, if any, and with 18 percent interest upon the whole amount from the time of sale to the time of payment or tender, together with redemption costs incurred. In case the tax collector who sold the property in question shall have died, become incapacitated, been removed from office or removed from the town or city or shall have been discharged from his bond by the selectmen or assessors, then the person interested in redeeming the property may tender the aforesaid sums to the tax collector then in office of said city or

town; and upon advice from the selectmen or assessors that the amount tendered is the correct amount due, the said tax collector shall accept said amount for the redemption of said property.

6 Payment of Subsequent Tax. Amend RSA 80:37 (supp) as amended by striking in line 20 the word "eleven" and inserting in place (18 percent per year) so that said section as amended shall read as follows:

80:37 Payment of Subsequent Tax. The purchaser of real estate at any tax sale may pay to the collector any tax assessed upon the real estate subsequent to that for which it was sold and the collector shall, within 15 days after such payment, notify the register of deeds thereof, giving the date and the amount of such payment and the name of the person so paying together with the date of the tax sale, the name of the person taxed and a description of the property sold as shown in the report of sale recorded in the registry of deeds. The collector of taxes shall receive \$.50 for such notice to the register of deeds of the subsequent payment plus \$.50 to be paid to the register of deeds. The purchaser, within 15 days of payment of the subsequent tax, shall personally, or by certified mail, notify in writing any mortgagee who was notified of his purchase at the tax sale of his payment of the subsequent tax. The purchaser paying the subsequent tax shall receive the same fees prescribed for notifying the mortgagee of his purchase at the tax sale to be included in his costs to be paid by the person making redemption, except that when a town is a purchaser at a tax sale and the town pays a tax subsequent to that for which the real estate was sold and the selectmen direct the collector of taxes as agent for the town to give notice of payment of a subsequent tax to any mortgagee who was notified of the purchase by the town at the tax sale the collector shall be paid the sum of \$2 for this service. Any amount so paid on account of subsequent taxes, together with interest thereon at the rate of 18 percent per year from the date of payment shall in addition to the purchase price at the time of sale with accrued interest and costs, be paid by the person making redemption.

Amendment adopted.

Sen. Conley moved that HB 720 be laid on the table.
Adopted.

HB 879-FN, relative to the time for changing party affiliation and filing candidates for the state primary election. Ought to pass. Sen. Stabile for the committee.

SEN. STABILE: This bill changes the period for filing candidacies for the State Primary Election from between 96 days and 75 days before the Primary, to between the first and third Wednesdays in June. It requires that there be a session of the Supervisors of the Checklist for changes of party affiliation on the Tuesday before the first Wednesday in June. It forbids any person from changing his party affiliation, if he has been previously registered, between the first Wednesday in June and the day before the State Primary Election. This bill changes the last day for filing supplemental petitions from not less than 75 days before the Primary to not later than the third Wednesday in June. The committee recommended ought to pass.

Adopted. Ordered to third reading.

HB 920-FN, making several amendments to election laws. Ought to pass. Sen. Sanborn for the committee.

SEN. SANBORN: Basically, what HB 920 does is it clarifies certain obscure sections of the election laws. It establishes that the Supervisor of the Checklist shall meet before each Special and Annual Town Meeting. It reinserts RSA 254:13, which establishes the term of the highway agent at one year. It clarifies the number of certified checklists that must be filed with the Town Clerk at two, not one. It establishes that the ballots must be counted not before the polls close. In other words, you can't start counting ballots before the polls close in the evening. It changes the period of retention of the ballots after a recount of a town, school district or village district election and State election to 60 days after the recount. That destroying of the ballots after the recount has been abolished. It also makes clear that polling hours for Town Meeting elections are set by the town by vote or by the selectmen. It makes clear that the members of the

Armed Services that are away shall have a chance to vote by absentee ballot in all elections. That includes the town, village districts and so forth. It changes the timing for certain town recounts to have them completed quicker, and allows them to be held the same day. Take some of the small towns with under 100 people at the polling place, or on the checklist. They complete their count within an hour after the polls are closed, and somebody demands a recount, they can still have it that same day. It also establishes that anyone who asked for a recount, and their names are on that ballot that are going to be recounted, they cannot participate in any recount process, and that the moderator will select someone else to fill that person's place on the counting group. It's a good bill. We had no dissent to it. We recommend passage.

Adopted. Ordered to third reading.

HB 129-FN, relative to sunset review of war orphans scholarships. Ought to pass. Sen. Sanborn for the committee.

SEN. SANBORN: HB 129-FN is a sunset bill relative to the review of the War Orphans' Scholarship. Sen. Conley and myself and Sen. Stephens sat in on the hearing on this. We found no opposition to anything that was put in by the House. We made no changes. We recommend passage and reinstatement of the War Orphans' Scholarship Fund for another six years.

Adopted. Ordered to third reading.

HB 158-FN, relative to sunset review of shorthand court reporters. Ought to pass with amendment. Sen. Conley for the committee.

SEN. CONLEY: In our review of HB 158 we found that there was an error that has been in there for some time in the basic law, and what we did was, in Section 6, is change the word from, "Justice" to "Chief Justice," so that it now reads, "Chief Justice means the chief justice of the Superior Court or his designee." Otherwise there is no change, and we recommend passage.

Amendment to HB 158-FN

Amend RSA 331-B:2, VI as inserted by section 4 of the bill by striking out same and inserting in place thereof the following:

VI. "Chief justice" means the chief justice of the superior court or his designee.

Amendment adopted. Ordered to third reading.

HB 244, legalizing the vote taken in the town of Bedford on November 4, 1980, to amend the Bedford zoning ordinance. Ought to pass. Sen. Sanborn for the committee.

SEN. SANBORN: Basically, all this is is a legalizing bill, because many times in the past they will miss one day in getting their official notices out on having the official hearings that are required by law, because sometimes they don't count Sundays as one of the legal days, and this gets confusing in some of the towns, so this just legalizes a vote that was taken in Bedford under such a handicap.

Adopted. Ordered to third reading.

HB 231, legalizing the Mont Vernon town meeting. Ought to pass. Sen. Stabile for the committee.

SEN. STABILE: This bill is purely a housekeeping matter. This bill legalizes the acts, votes and other proceedings of the Mont Vernon Town Meeting held March 11, 1980. The committee voted unanimously for ought to pass.

Adopted. Ordered to third reading.

HB 906, restricting smoking in enclosed public places. Inexpedient to legislate. Sen. Wiggins for the committee.

SEN. WIGGINS: We heard testimony on this bill. There are still more smokers in the country than there are non-smokers. We figured it would be an infringement on their rights to restrict it, and so, therefore, we put the bill in as

inexpedient to legislate, and we hope the Senate will support us.

SEN. PRESTON: I am a smoker, and I wish I could quit. I am going to vote against this committee report as it's a very serious bill. It's for the Lung Association and the sponsors. I understand that there is no possibility of passing this bill, but I think it's very important that we recognize the problem that can be caused by smoking, and I, personally, don't see any harm in passing such a bill.

SEN. LAMONTAGNE: Sen. Wiggins, didn't we kill a similar bill by indefinite postponement?

SEN. WIGGINS: Yes, we did.

Sen. Splaine moved that the words "ought to pass" be substituted for the committee report of "inexpedient to legislate."

SEN. SPLAINE: We are going to lose. I guess that's obvious, because I can count the votes as well as anybody else. The votes have already been counted on this type of issue before, but I think that the No. 1 question that each of us ought to ask on this legislation is a simple one, and that is, "Why not?" Why not allow for this kind of legislation which the House and Senate four years ago supported in concept and in theory?

HB 906 only puts some teeth and somewhat expands the current law that's now on the books. The New Hampshire Lung Association and a number of other people strongly supported this legislation in the House when it had a public hearing. It had numerous people from the House who spoke on the floor. It passed by a voice vote virtually unanimous. Some time ago a public hearing was held on this version of the bill in the Senate committee. The New Hampshire Lung Association attended that, and the people opposed to this legislation at that public hearing were the tobacco industry lobbyists. I guess that's where it comes down to on whether or not this bill is going to pass. The New Hampshire Lung Association doesn't have a lot of money. They're not about to go out and support a lot of candidates in a campaign, such as tobacco lobbyists. Since this legislation is going to lose, at least the facts ought to be laid out as to exactly what they are, and exactly what the underlying facts are when dealing with legislation like 906.

Some time ago, Sen. Chandler and I suggested a rule change that would allow for a change of the Senate Rules to prohibit smoking on the Senate Floor during discussions. We were defeated in that effort, but the issue of HB 906 has not yet been discussed. What HB 906 does is restrict smoking in public places. It doesn't even deal, however, with the Senate Chamber or Senate Committee Rooms, or House Chamber, even though they prohibit smoking by their rules in the Chamber or in House Committees, but any public building as is defined on page 1 of the bill would have to have No Smoking areas, and those No Smoking areas can be designated by signs anywhere within the building. You can have smoking in the Senate Chambers in this building, and you don't have to have smoking in the House Chambers. Under this legislation, "enclosed public places," as defined here would be indoor areas which are publicly owned or supported, including but not limited to public means of transportation, common carrier waiting rooms, elevators, retail stores, libraries, theaters, concert halls, auditoriums, arenas, educational facilities, museums, art galleries, sport galleries, planetariums, historical sites, polling places, government offices, health care facilities, and rooms in which a public meeting, hearing or other official proceeding open to the public is in progress.

Incidentally, a lot of people in this country of ours, and New Hampshire, would like to be able to go to these places but they often cannot go because of allergic reactions to cigarette smoking. In each of these places, a spot would have to be set aside for people who don't smoke and don't want to smell somebody else's cigarette, cigar or tobacco smoke. That's what it's limited to.

I think the New Hampshire Lung Association, which has 90,000 members in this State, agrees that this is the kind of thing that government ought to be doing, and that is to protect the health and, in this case, the breath of those people who live in this State. That's what 23 of us currently have been sent to these Chambers for, and that's what 400 Members of the House did when they passed HB 906. I know that this legislation is going to be killed today, but I ask you, I beg you, to consider those people who don't happen to smoke, and please consider those people who happen to be in extreme cases, allergic to cigarette smoke, who have lung ailments, who have heart ailments, who have had, in the past,

heart attacks and were told by their doctor not to smoke, not to put themselves in that kind of environment, people who have asthma, people who have emphysema, and people who, for one reason or another, cannot tolerate the environment of being in a place, no matter where it is, where there is cigarette smoking. Nobody is saying we're not going to allow cigarette smoking. All the bill is saying is we're going to set aside a part of those meeting chambers, those places, those public buildings, where people won't have to be put under the stress, physical stress in many situations, of having to inhale somebody else's cigarette smoke.

I think it's a very legitimate bill. I think it is a life-or-death issue, as the New Hampshire Lung Association has pointed out many times, and I think that it certainly deserves our approval today.

SEN. LAMONTAGNE: I rise in opposition to the motion. I personally feel that some of these halls that have been mentioned by the Honorable Senator from the 24th District, as you probably know, they're under ordinances of the cities or towns, and therefore, the Fire Marshal is restricting these people. Now, if you come back to the Senate here and you come in here, and also in the House, I think this shouldn't be a law. I think this can be handled by the Rules Committee, and certainly can be handled by the majority, which has already proven by this Senate, we had a similar bill which was indefinitely postponed, and so I personally feel that this law is not needed.

Sen. Wiggins moved to indefinitely postpone HB 906.

SEN. CHANDLER: This bill here, of course, as you know, refers to smoking in public places. We have a law on the books now about smoking in public places, but it's virtually unenforceable. We would need a police force of 50,000 to enforce the present law. This changes the present law and makes it a little bit more manageable. It doesn't ban smoking. It just says there will be certain areas in public places where smoking can be permitted, and there will be other areas where smoking won't be permitted. Now, what's wrong with that? Those who want to smoke can go to the smoking area. Those who don't want to smoke, or don't want to smell the tobacco smoke, can go to the other area. I don't see anything wrong

with that. It doesn't stop anybody from smoking, and it also says that the areas shall be determined in a public place by whoever is in charge of the building, but restaurants or an office or apartments, the person in charge will be required to put up signs to designate where the areas are. I have seen that already in certain places, and some places where they do not have a sign up for No Smoking and Smoking, and some places say "Smoking is permitted," and I, personally, don't see why this bill, it's a good bill, and I don't see why it shouldn't pass, so I hope that we will defeat the motion of indefinite postponement.

Roll Call requested by Sen. Chandler.
Seconded by Sen. Splaine.

The following Senators voted yes: Lamontagne, Conley, Freese, Bergeron, Wiggins, Monier, Rice, Sanborn, Stephen, Brown.

The following Senators voted no: Hough, Chandler, Blaisdell, Mann, Stabile, Boyer, Kelly, Podles, Champagne, Lessard, Preston, and Splaine.

10 yeas 12 nays

Motion failed.

Question is "ought to pass."

Sen. Splaine called for a Roll Call.
Seconded by Sen. Boyer.

The following Senators voted yes: Hough, Chandler, Blaisdell, Mann, Stabile, Boyer, Kelly, Podles, Stephen, Champagne, Lessard, Preston, and Splaine.

The following Senators voted no: Lamontagne, Conley, Freese, Bergeron, Wiggins, Monier, Rice, Sanborn, and Brown.

13 yeas 9 nays

Adopted. Ordered to third reading.

HB 332-FN, amending the provisions of law regarding the towing of abandoned vehicles. Ought to pass. Sen. Rice for the committee.

SEN. RICE: HB 332 does nothing more than authorize the State Police to tow away vehicles that have been left on interstate highways that are obstructions to traffic if they remain there for a twenty-four-hour period of time. In many cases this is currently being done. It's the intention of the New Hampshire State Police to adopt procedures similar to those used in other New England states, to wit, if you travel through parts of Massachusetts or Connecticut you've seen abandoned vehicles on the side of the road which have an international sticker on them indicating that that vehicle has been abandoned, and within a certain period of time that vehicle is to be towed away. The committee heard no opposition to this bill and unanimously agrees that it ought to pass.

Adopted. Ordered to third reading.

HB 419, relative to the boundary of Hilton State Park, property dedicated to highway improvement and construction and reconstruction of certain bridges. Ought to pass. Sen. Sanborn for the committee.

SEN. SANBORN: Basically, any of you that have come out of Portsmouth on Route 9 and come over the General Sullivan Bridge from Newington into Dover, recognize to your right, as you come across the bridge, Hilton Park. Some years ago, when that bridge was first reconstructed, or rather the new piers were put in beside it, additional piers were put in at that time to make that a double-lane bridge. The old General Sullivan Bridge, is in such condition that it needs to be repaired, and what the State is asking for is to be able to put in that other section of the bridge that wasn't constructed when the new one was built. Also, to define the lines of the Hilton Park there on your right on Dover Point, so that the highway and the Park Department don't get into an argument over the land, so they can bring the two lanes of traffic across the bridge and into the double lane and on up to Route 16 and to Route 9. There was no opposition to this bill. We recommend passage.

Adopted. Ordered to third reading.

HB 302, classifying Dublin Road in the Town of Jaffrey as a Class II highway. Ought to pass. Sen. Mann for the committee.

SEN. MANN: This bill is very simple. We have had a million of them. This bill just reclassifies the town road in Jaffrey. It begins at 124 and ends at the Dublin line, to a Class 2 highway.

Adopted. Ordered to third reading.

HB 635-FN, providing adequate safety on highways and surrounding communities when any special event of significance is promoted in the state. Inexpedient to legislate. Sen. Sanborn for the committee.

SEN. SANBORN: This is a very interesting bill. We had quite a hearing on it. The rooms were jammed, and the corridors were jammed, and I don't know but part of the highway may have been jammed when we held the hearing on it. The only ones that showed up in favor of the bill was the sponsor and about two or three people out of the Town of Meredith. Actually, what they are trying to do in this bill is shut down the Bryar Park up in the town of Loudon because they say that the motorcycles give them a problem. The selectmen, the Municipal Judge, and so forth, of the town of Loudon came in and testified before the committee that there was no problem. They have local ordinances and so forth that take care of the problem, and that the town of Loudon and the Bryar Park have had a good relationship, and there are no problems within the town of Loudon. It seems as if, from all the testimony given, the problem is not the Bryar Park but the Weirs Beach in Laconia, and when the State Police are around there is no problem at all, because the State Police know enough to take care of the crowd control at Weirs Beach, so evidently the only problem that this bill is trying to correct is somewhere in somebody's mind. Basically, if this bill was passed, what it would do would shut down things like the Volvo Tennis Matches at Mt. Washington. It would shut down practically every race track, or even to

the extent that you had any kind of an event that is likely to have 5,000 people or more. You have got to get, under this bill, the permission from all the towns within a 25-mile radius. Now, stop and think of your towns and where a 25-mile radius goes, and you can see what kind of a problem you are going to have. The people that put on the event are going to have to provide the insurance. They're going to have to pay for the police. They will have to pay for the fire department, and so forth, from all these areas, so you can see what kind of a problem this bill would be if it was passed. The committee was practically unanimous in its feeling that this was a very poorly-drawn bill. It would not necessarily take care of the problems that were created in somebody's mind. We recommend that it be inexpedient to legislate. I hope the Senate will support us.

SEN. MANN: In that mileage radius, if you were lucky enough to get 5,000 people at the Berlin Ski Jump, would they have to go up into Montreal to get their permission?

SEN. SANBORN: You would have to go to Quebec and, to give you an idea, in the little town of Deerfield we put on the Deerfield Fair, I'm trying to get advertisements for this coming fall — we would have to have the permission of the city of Manchester and the city of Concord, so that gives you an idea of the extent of this.

SEN. MANN: So you're saying that the Volvo Tennis Tournament and the Hampton Beach fireworks, et cetera, would all be gone if this bill passed?

SEN. SANBORN: Any town in the 25-mile radius could stop them.

Sen. Lamontagne moved that HB 635-FN be referred to Interim Study.

SEN. LAMONTAGNE: I had proposed an amendment to the Transportation Committee, and the amendment would have taken all of these oppositions off the bill, you know, away, completely, so that it would not hurt all these people that have been mentioned by the two Senators. This would have been a motor vehicle violation, what the amendment just referred to. I am not going to bother reading this amendment, because the amendment is right here, but I feel that if this matter was sent to a study committee that, certainly,

it would be only fair, because no one is going to tell me that there isn't any problem at the race track in Loudon because, if there is nothing wrong at all, then how come it's costing the State of New Hampshire so much funding to take care of policing that area? Now, there's been quite a few thousand that has been spent for the protection of the people, quite a few thousands of dollars. I am going to tell you right now that if anyone hasn't been there, then you don't know nothing about it, and when they say there's no problem, I've been there, and I've seen problems. I've seen more filthy signs than you have ever seen in your life and, at the same time, there's no question that there's been violations of the law, especially when some of them are half naked and somebody even takes their pants down in front of young kids. I feel that, really, this ought to be looked into. If there is nothing wrong, then let's have a study committee prove that there is nothing wrong, but I am hoping that you will go along to study the bill in the proposed amendment that I have. This law's in effect in New York, and this law's also in effect in Vermont, and I can't see why this law can't be good for New Hampshire.

SEN. RICE: I think, as all of you know, the Transportation Committee is made up not only of both parties, but probably widely-differing political philosophies. As Sen. Sanborn indicated, the committee was all but one unanimous on this bill. I would urge you not to vote for Interim Study. A vote of Interim Study for a number of events in this state could possibly discourage a continuation of those events if the promoters and sponsors of those events in any way consider that this bill is being given serious consideration by the New Hampshire Senate. The intent of this bill was clearly indicated by Sen. Sanborn. There are already laws that address themselves to the issues that Sen. Lamontagne raised. This bill does not address itself to the issues Sen. Lamontagne raises and will do nothing to improve the situation at any event that is held throughout the state. All it is going to do is further make it difficult for promoters in any community for any event in order to carry out those events. Please, I urge you to vote down interim study and vote for inexpedient to legislate.

SEN. MANN: As Chairman of the Transportation Committee, we heard all sides to this. There were about 30 people

against the bill. I don't know how many people were there. The room was filled, and there was about four people for it. I would hope that you would vote this motion down and then give this bill a proper death.

SEN. BLAISDELL: Sen. Mann, was there any testimony in the committee on how this would affect the athletic events in the State of New Hampshire, like State Baseball Tournaments and things like that?

SEN. MANN: Any attraction in the State, and even in Sen. Lamontagne's amendment, any attraction in the State that attracts over 5,000 people would have to get a permit. It would be devastating to high school basketball games and such. It would really affect the whole State of New Hampshire.

SEN. BLAISDELL: One further question. We have, in your area and mine, we have Oktoberfest, which draws ten, eleven thousand people. It certainly would affect that in Keene.

SEN. MANN: It would affect that in Keene, yes.

Motion failed.

Question on Inexpedient to legislate.

Adopted.

HB 233, relative to restrictions on advertising devices on the federal aid secondary highway system and providing for farm signs in outdoor advertising control areas. Ought to pass. Sen. Lamontagne for the committee.

SEN. LAMONTAGNE: This is a very easy one, I hope. What this bill does is, it's going to allow some of these farmers who are selling corn or other vegetables, they will be able to put up a sign, and the committee urges your support for ought to pass.

Adopted. Referred to Finance.

HB 722, regulating the use of rail rights of way. Ought to pass with amendment. Sen. Rice for the committee.

SEN. RICE: This bill prohibits the use of any railroad right-of-way in the state to be unreasonably interfered with if there is a possibility that this railway may be restored. Again, the

committee heard no opposition to this bill and strongly adopts passage as indicated by ought to pass with the amendment. The amendment makes it a railway that goes back to the year of 1969.

Amendment to HB 722

Amend RSA 21-E:11-a as inserted by section 1 of the bill by striking out paragraph IV and inserting in place thereof the following:

IV. No railroad right-of-way that existed prior to the year 1969, except those that are in present use or have been in use by the railroads at any time since 1969, shall be subject to the provisions of this section.

V. Any and all reversionary rights in railroad right-of-way acquired by the authority by purchase, condemnation or otherwise are hereby declared extinguished as of the date of acquisition. Any person damaged thereby may make claim by petition against the authority to the appropriate superior court within 2 years of the date of acquisition. The petition shall then be referred to the New Hampshire commission of eminent domain, which shall proceed as with a condemnation under RSA 498-A. The right to appeal contained in RSA 498-A:27 shall be available to the claimant or the authority.

Amendment adopted. Ordered to third reading.

Sen. Sanborn in the Chair.

HB 829-FN, amending the current use law. Ought to pass with amendment. Sen. Wiggins for the committee.

SEN. WIGGINS: We are amending the Current Use Law for the purpose of giving a little relief to the struggling golf courses. We didn't do anything with the Current Use Law as it is. We just put a new section in there saying that they will be taxed at half their assessed value, rather than the full value. Seeing that they were being assessed \$18,000 a hole, we figured it was a little bit heavy. We figured we would give them a little relief so they can stay in business. The committee heard the bill and we agree on the amendment. We urge passage.

Amendment to HB 829

Amend the bill by inserting after section 2 the following new paragraph and renumbering the original sections 3 and 4 to read as 4 and 5, respectively.

3 Definition. Amend RSA 79-A:2, X by inserting after paragraph X the following new paragraph:

X-a. "Sports-recreation land" means any land actively devoted to public recreation for which an entrance fee is charged and whose primary use is for the playing of games such as, but not limited to, the following: baseball, softball, football, golf, and soccer. The assessed value for current use taxation shall be no less than 50 percent of the full and true value as defined under RSA 75:1.

Amendment adopted. Ordered to third reading.

HB 803, redefining abutters and the powers of planning boards. Ought to pass with amendment. Sen. Brown for the committee.

Sen. Wiggins moved to lay HB 803 on the table.
Adopted.

HB 602, increasing the penalties relative to hazardous wastes, oil spills and hazardous materials. Inexpedient to legislate. Sen. Wiggins for the committee.

SEN. WIGGINS: Most of all of the provisions in HB 602 are covered by the Governor's bill on hazardous wastes, HB 456, and there was no need of passing two pieces of legislation that pertain mostly to the same issue, and we recommend inexpedient to legislate.

Adopted.

HB 841-FN, to provide for the protection and preservation of historic resources. Ought to pass with amendment. Sen. Wiggins for the committee.

SEN. WIGGINS: We heard testimony on this, and the Highway Department recommended an amendment so they wouldn't get in trouble with the Historic Preservation Society, and all the amendment does is say that it will be listed in the Federal Register, and otherwise it's a good bill, and we recommend passage.

Amendment to HB 841

Amend RSA 227-C:11, II(a) as inserted by section 5 of the bill by striking out same and inserting in place thereof the following:

(a) Any historic property, as defined in RSA 227-C:2, I which has been listed in the National Register of Historic Places, or has been determined by the keeper of the register to be eligible for the National Register using the criteria for evaluation in 36 CFR 60.6;

Amendment adopted. Ordered to third reading.

HB 441-FN, regarding the responsibilities of the council on resources and development. Ought to pass with amendment. Sen. Wiggins for the committee.

SEN. WIGGINS: We had to amend the money section out of this bill; otherwise it was a good bill and we recommend passage.

Amendment to HB 441-FN

Amend the bill by striking out section 3 and renumbering section 4 to read as 3.

Amendment adopted. Ordered to third reading.

HB 475-FN, establishing a forest resources planning act. Ought to pass with amendment. Sen. Wiggins for the committee.

SEN. WIGGINS: This bill is a good bill. It establishes the planning of forestry resources which we need in this day and

age. We amended three sections of the bill out that pertain to mudding, because it was on the recommendation of the testimony we heard that they already developed their maps and they got money from the U.S. Forestry and, having money in the bill, we couldn't get it to the Senate in time, so we amended the rest of the two sections out, and we recommend passage of the bill as amended.

Amendment to HB 475-FN

Amend the bill by striking out sections 3, 4 and 5 and renumbering section 6 to read as 3.

Amendment adopted. Ordered to third reading.

HB 848-FN, making certain changes in the solid waste statutes. Inexpedient to legislate. Sen. Wiggins for the committee.

SEN. WIGGINS: Everything in this bill, HB 848, is covered in HB 944, which will be on the floor here today or tomorrow as ought to pass. I talked to the sponsor, Betty Green, and she is in agreement, and so we made HB 848 inexpedient to legislate.

Adopted.

HB 494-FN, to encourage productive agriculture within the state. Ought to pass. Sen. Wiggins for the committee.

SEN. WIGGINS: HB 494 encourages farming, productive farming, and we're all in agreement with it, and we recommend passage of the bill.

Adopted. Ordered to third reading.

HB 463-FN, relative to aquatic weed control. Ought to pass. Sen. Wiggins for the committee.

SEN. WIGGINS: This bill adds fifty cents to your boat registration to control aquatic weeds. It has been proven that the weed is distributed to different lakes by fishermen's boats,

that it clings on the bottom of the boat and then gets washed off in another pond. It will rise \$20,000 this way. They really don't know how they're going to control this weed. It's getting to be a terrific nuisance up in Winnepesaukee, but they want to try an experiment, and they need some money to experiment with and, therefore, we recommend passage that we pay fifty cents more when we register our boats, and I have four boats, and I don't mind paying it.

Adopted. Ordered to third reading.

HB 406-FN, establishing a contribution for use in the management of wildlife. Ought to pass. Sen. Wiggins for the committee.

SEN. WIGGINS: This bill allows you to donate money to the Fish and Game Department when you pay your Residence Tax. That's all it does. We had some static from one tax collector that they didn't want to be bothered sending the money to the Fish and Game Department, but the Fish and Game Department is in dire need of funds, and so we recommend passage of this bill. It's just a contribution. If you feel like contributing, you can; if you don't, you don't have to, and there is nothing compulsory about it. We urge passage.

SEN. BLAISDELL: Is that one person that came in and spoke against the bill the city of Keene Tax Collector?

SEN. WIGGINS: No, sir. It was the City Tax Collector in Concord. Keene, you're right.

SEN. BLAISDELL: I thought it was.

Adopted. Ordered to third reading.

HB 583-FN, concerning handicapped transportation under RSA 186-A. Inexpedient to legislate. Sen. Kelly for the committee.

SEN. KELLY: HB 583 is recommended inexpedient to legislate because it is covered in HB 935, which is also coming up today from the committee as inexpedient to legislate.

Adopted.

HB 604-FN, establishing liability for educational costs for certain children in residential child care facilities. Ought to pass. Sen. Blaisdell for the committee.

SEN. BLAISDELL: HB 604 applies to a very small number of children who have handicaps in the State of New Hampshire. This was a well-attended hearing in the Education Committee. Sponsors spoke to the bill, the State Department of Education, we had the White Mountains School District, Regional School District from the White Mountains came down and spoke to it as well as the representatives from Epsom, Candia and Pearmont School District and also — we think, this is equity, it is a very important piece of legislation.

I think the analysis on the bill explains the bill and I think I would be very glad to explain it. We in the Senate Education Committee ask you to make this ought to pass. It is a very important piece of legislation.

Adopted. Ordered to third reading.

HB 914-FN, requiring courts to consider individualized education program in making placements. Interim study. Sen. Kelly for the committee.

SEN. KELLY: HB 914 requiring courts to consider individualized education programs for making placements had a good deal of testimony both pro and con, the question being a legal one. We felt we had to look further into it; cases were pointed out, such as the school district in Allenstown; the Hooksett District Court had ordered Allenstown to pay a court-selected program. The Allenstown School District appealed. Merrimack Superior Court agrees with Allenstown. In finding this kind of action going on in the courts, we decided to send it to interim study for a look at it. The committee recommends interim study.

Adopted, referred to interim study.

HB 935, inserting a new special education program. Ought to pass with amendment. Sen. Kelly for the committee.

SEN. KELLY: Here it is, early in this session the Senate took rather drastic action and repealed the handicapped education law on the books. At that time a great deal of concern was expressed in the education community that we would not in time have a new law on the books. A lot of work has been done in the House Committee and Senate Committee to bring this bill before you today. HB 935 is an important improvement over the existing special education law. From its statement of purpose through the concluded formula, it provides safe-guards and limitations to the State and local districts while protecting the rights of educationally-handicapped students to an equal education. In the statement of purpose, it becomes the policy of New Hampshire to provide equal opportunity to all students. HB 935 also describes more carefully who is eligible for special education, the duties of the State Department of Education regarding special education and the responsibilities of the local school districts. Transportation services — and I mentioned earlier in the bill that we just wrote inexpedient — transportation services are limited to those specifically needed rather than guaranteeing portal-to-portal transportation to all handicapped students. This should mean a reduction in costs.

The relationship between the Department of Education and the Department of Health & Welfare, regarding special education services, is addressed; basically, what we have done here is ask that by January 1, 1982, some kind of an inter-agency agreement be established so that the Department of Education will be responsible for only those things which are educational and Health & Welfare will go for the medical costs. That is not the case now. Most importantly, the blank check approach for the State funding of special education is ended, a new funding formula limits the State funding liability of a \$10,000,000 cap per year and we recognize that this is \$1.55 million less than had been appropriated for this year, yet this formula, the bulk of which is in a block grant-type of approach makes the most effective use of the available funds. The new formula limits the State's liability and makes it possible for poorer school districts to provide equal opportunities for their handicapped students along with their wealthier neighbors. Undoubtedly, not everyone will be happy and I know of very few perfect marriages. There is no doubt in my mind that this bill strikes an important balance between

the State's need to control its financial condition and the State's desire to provide leadership and services for educationally handicapped children. We recommend ought to pass.

SEN. BLAISDELL: I rise in support of the committee report. As Sen. Kelly so ably told it, this is one of the most important pieces of legislation I believe that has come before the Senate this session. I think it fulfills a commitment that this Senate made, the Senate President made, to handicapped education. I caution you, be sure in the next few days ahead that the \$10,000,000 cap stays in that bill. I think the House will go along with it but I again tell you that I think that it is one of the most responsible things that we have done in this Senate and as I told you, when we repealed the old law that this Senate would be responsible. I believe we are by passing this piece of legislation today.

SEN. MONIER: The first thing I would like to impress on the public and the Senate, to recognize that what we said we were going to do, we did. We were accused of all kinds of shenanigans by the press, the Education Association and the lobbyists, and we have suffered and I have — but that doesn't bother me. If you can't take the heat, get out of the game. In effect, what we were trying to do with education was to kill it, and so on. I would like them all to note — and I hope they will take as much press and copy and people on the Senate Floor will smile — and take to the public the fact that we do keep our word.

HB 935 is back, the handicapped education bill is back in the business and on the statutes because we are going to pass it this afternoon. Now, if anybody, including the people in the Senate, have any questions about that I would be very happy and pleased to debate. We said we would do it and it is here. If there are no questions on that, I will continue. I just want it emphatically understood with all of those special interest groups who have been protecting their turf on this that their effort by the Senate, lead by me, fought viciously by the Governor, by the House, to throw it out into the screaming headlines of sensationalism by our lovely press has all now been taken down the tube. It is here, we are going to pass it. If you can't read it, we will send you a copy; however, now that I have said that and had my little vindictiveness, if I may — because I am entitled to it after what the abuses we took on it, as a whole — just let me add a couple of things.

It is here. I am not pleased with it but I am going to vote for it. Why am I not pleased with it? Because the Education Committee of the House and the Education Committee of the Senate were given the opportunity to reduce this expenditure which two years ago, until that law was repealed, was an open, flat, blank, check which everybody pretty well agreed with. In this particular case I have to say that the blank check is no longer there. We do have, however, a ten-million dollar cap and I hope I am so correct that that is there, unless somebody has moved it since I read it.

The answer is, however, I think we didn't go far enough and that I am not afraid to say. I think we had an opportunity to clearly define all aspects, put them into a series of priorities, recognizing — which nobody will deny publicly or privately — that there are differences in handicaps; they are not all treated equal. I'm not a lawyer, but I do recognize that we have not clearly said in this bill that there are high degrees of handicap and lesser degrees of handicap. For that I am disappointed because, otherwise, what you are doing is putting a straight cap — you were saying they are all equal and therefore you are relegating by the capability of putting a cap on those that may be more seriously handicapped may need more training, may need more time, that there is no difference between those that may not need more time and may not be as seriously handicapped.

We heard all kinds of horror stories when we delineated this bill, or this statute, from the books about what we were going to do. We still have problems. Less than two weeks ago I sat in Finance and discussed with the Health & Welfare, the Mental Health Division and the Education, arguing about between themselves — not with me — they had been asked to sit with us to attempt to reconcile between them what was the differences between education and what was the differences between medical care?

Two simple things which most of us would think — and Joe Sixpack on the street would immediately recognize the difference but not when you get into this legal definition, to allow this ever expansion-type — now what we have done is say — we still haven't said who is going to get which piece and for that point I think we have shirked our responsibility. Period. It does bother me because with a cap of this type, we have merely said that the money is more important than

are the degrees of handicap. I still — that little conference downstairs, if I can take my horror story, deals with a person who is about twenty-one years of age, was covered before, I assume still is now because the definition has not been changed, who has been taught and trained now to be able to put a spoon to his mouth, you are going to continue to take care of that person under an educational definition at a very high degree of expense and he will never be able to do more than put that spoon to his mouth. If that is what you say is equal, for example, to a blind person who, at nineteen, with the same amount of money can be trained to do many other things and increase his capability, then so be it. But it is on your heads, not on mine. That is why I insisted on a delineation so that you could revamp these kinds of definitions. The House Education Committee did not do it and the House, or Senate Committee, as far as I can read, has done no better. I will support the bill. I would like it recorded that we did what we said we would do. I would also like it to be recorded that I am very disappointed that we haven't done enough.

Amendment to HB 935

Amend RSA 186-C:2, I as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

I. "Educationally handicapped child" means any person 3 years of age or older but less than 21 years of age who has been identified and evaluated by a school district according to the provisions of RSA 186-C:7 and determined to be mentally retarded, hearing impaired, speech or language impaired or both, visually impaired, seriously emotionally disturbed, orthopedically impaired, otherwise severely health impaired, deaf-blind, multihandicapped, or as having specific learning disabilities, who because of such impairment, needs special education or special education and educationally related services.

Amend RSA 186-C:2, III as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

III. "Individualized education plan" means a written plan for the education of an educationally handicapped child that

has been developed by a school district in accordance with rules adopted by the state board of education and that provides necessary special education or special education and educationally related services within an approved program.

Amend RSA 186-C:3 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

186-C:3 Special Education Unit. The state board of education shall maintain within the department of education a special education administrative unit and shall appoint such personnel as may be necessary for the proper operation of the unit.

Amend RSA 186-C:7 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

186-C:7 Coordination of Special Education Responsibilities. The special education unit of the department of education shall assist each school district in developing an approved program or programs for educating the educationally handicapped children of the district including the setting of approved rates for private providers of special education services. However, the development of an individualized education plan for each educationally handicapped child shall be the responsibility of the school district in which such child resides or of the school district which bears financial responsibility for the child's education. The parents or legal guardian of an educationally handicapped child have the right to participate in the development of the individualized education plan for such child and to appeal decisions of the school district regarding such child's individualized education plan as provided in rules adopted by the state board of education. The state board of education shall enter into a cooperative agreement with the commissioner of the department of health and welfare by January 1, 1982. The agreement shall specify the procedures and responsibilities of the respective departments so as to provide each educationally handicapped child access to needed programs available within each department.

Amend RSA 186-C:9 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

186-C:9 Education Required. Each child determined by the local school district as being educationally handicapped in accordance with RSA 186-C:2 and in need of special education or special education and educationally related services shall be entitled to attend an approved program which can implement the child's individualized education plan. Such child shall be entitled to continue in an approved program until such time as the child has acquired a high school diploma or has attained the age of 21, whichever occurs first, or until the school district responsible for developing the child's individualized education plan determines that the child no longer requires special education in accordance with the provisions of this chapter.

Amend RSA 186-C:11 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

186-C:11 Transportation. Each school district shall furnish suitable transportation to all educationally handicapped children whose individualized education plan requires such transportation. The school district may board a child near the place where instruction is to be furnished and shall provide transportation if required by the child's individualized education plan from the place where the child is boarded to the place of instruction.

Amend RSA 186-C:13, II as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

II. For an educationally handicapped child placed in a home for children, health care facility or state or private institution, all expenses for special education or special education and educationally related services shall be the liability of the district in which the child last resided before placement in a home for children, health care facility, or state or private institution.

Amend RSA 186-C:16 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

186-C:16 Rulemaking. The state board of education shall adopt rules, pursuant to RSA 541-A, relative to:

- I. Developing individualized education plans;
- II. Approving special education programs;
- III. Reporting the number of educationally handicapped children in a school district;
- IV. Appealing school district decisions regarding individualized education plans;
- V. Determining eligibility for participation in approved programs;
- VI. Appointing surrogate parents;
- VII. Determining the length of the school year for handicapped children; and
- VIII. Other matter related to complying with provisions of this chapter.

Amend RSA 186-C:18, III as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

III. The state shall appropriate not less than \$1,000,000 for each fiscal year to assist school districts in meeting catastrophic cost increases in their special education programs. The state board of education through the commissioner shall distribute aid available under this paragraph to such school districts as have a special education pupil for whose costs they are responsible, for whom the costs of special education exceed \$9,000 in a fiscal year. The amount to be distributed to a school district under this paragraph shall be determined through the following formulae:

$$(a) \left(\frac{\text{State equalized valuation per pupil}}{\text{District equalized valuation per pupil}} \right)^2 \times$$

Cost of catastrophic aid District catastrophic
students in districts = aid factor

$$(b) \frac{\text{District catastrophic aid factor}}{\text{State catastrophic aid factor}} \times \frac{\text{Catastrophic aid appropriation}}{\text{State catastrophic aid factor}} =$$

District catastrophic aid share

provided that the amount of catastrophic aid for a district requiring such aid shall be not more than 80 percent of catastrophic costs for that district. If there are unexpended funds appropriated under this paragraph at the end of any fiscal year, such funds shall be distributed according to the equalizing formulae established in paragraph II. The "cost of catastrophic aid students in district" as used in this paragraph shall include the total cost, i.e., both the \$9,000 sum which must be exceeded to be eligible for aid under this paragraph and any sums in excess of the \$9,000.

Amendment adopted. Ordered to third reading by unanimous vote.

HB 822-FN, establishing a housing finance authority. Ought to pass with amendment. Sen. Brown for the committee.

SEN. BROWN: HB 822 combines the Housing Finance Commission and the Housing Finance Agency as one organization called the Housing Finance Authority. It is quite a thick bill and in all sincerity and honesty, practically all legal writing which states the duties of the Housing Finance Agency and the Commission that already exists. The Commission has been doing it since 1973. The Housing Finance Agency has been doing their agency job since 1975; this merely condenses it into one organization called the "Authority." It does increase the board from seven people to nine people. And as I say, the duties will be the same.

There is an amendment, as you can see, on page 16 in your calendar and it is an amendment of a version received from the House. The House stated in the Housing Finance Agency portion of it that there would be no commitments up front by the lending institution to buildings. The Senate Committee amended that out. It also said that there would be no one percent commitment fee from the lending institution to the Housing Finance Agency which the Senate deleted, amended, that out, the reason being Bond Counsel and the Underwriters in New York had told us, way back since 1976, that — an excellent job, they told us. In no way could the Agency or the new authority, if this goes through, be able to operate without that one percent commitment fee. That is really the basic, practically all of the bill. As I say, the two organi-

zations will continue to do the same jobs that they have done before and if you want me to go into detail with the specific duties, I shall do that, but they have been in existence long enough. You have all been here, I think you know it, but I would still be glad to do it if you want me to.

Amendment to HB 822-FN

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

establishing a housing finance authority
and relative to conversion to stock
form by mutual savings banks.

Amend section 1 of the bill by inserting after paragraph X the following new paragraph:

XI. The legislature further finds that funds for home mortgage lending in the state are not sufficient to meet the demand therefor, and declares that it is in the public interest to encourage banks in the state-chartered system to develop sufficient funds for mortgage lending by the issuance of securities.

Amend RSA 204-C:1, VII as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

VII. "Elderly" shall mean a person who has attained retirement age as defined in the Federal Social Security Act, or in subsequent amendments to the same, or is under a disability as defined in section 223 of that act, including any subsequent amendments to the same.

Amend RSA 204-C:1, XVI as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

XVI. "Housing project" shall mean any work or undertaking:
(a) to demolish, clear or remove buildings from any slum

area; such work or undertaking may embrace the adoption of such area to public purposes, including parks or other recreational or community purposes; or

(b) to provide decent, safe and sanitary urban or rural multi-family housing for persons of low income; such work or undertaking may include buildings, land, equipment, facilities and other real or personal property for necessary, convenient or desirable appurtenances, streets, sewers, water service, parks, site preparation, gardening, administrative, community, health, recreational, welfare or other purposes; or

(c) to accomplish a combination of the foregoing. The term "housing project" also may be applied to the planning of multi-family housing and improvements, the acquisition of property, the demolition of existing structures, the construction, reconstruction, alteration and repair of the improvements and all other work in connection with them.

Amend RSA 204-C:1, XXII as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

XXII. "Multi-family housing" shall mean housing consisting of 5 or more units.

Amend RSA 204-C:3 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

204-C:3 Housing Finance Authority. The powers of the authority shall be vested in 9 members to be appointed by the governor with the advice and consent of the council. One member of the board shall be a person having experiences in the construction of single family real estate; one member shall be a person having experience in residential mortgage banking; and at least 2 members shall be persons representing the general public who are neither bankers nor builders, nor in the business of selling or renting real estate. Except for the purposes of initial organization, no more than 5 members shall be of the same political party. The members shall elect annually from among their number a chairman and vice-chairman, and such other officers as they may determine. Terms of board members shall be 5 years. No member may serve

more than 2 consecutive terms. Meetings shall be held at the call of the chairman, executive director or whenever 3 members so request. Five members of the authority shall constitute a quorum, and the affirmative vote of 5 members shall be necessary for any action taken by the authority. No member of the authority shall serve on any other state board, commission, or in any other state agency during his or her term of office as a member of the housing finance board. No vacancy in the membership of the authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the authority. A member shall hold office until his successor has been appointed and qualified. Members shall receive no salary for the performance of their duties hereunder, but each member shall be reimbursed for his reasonable expenses incurred in carrying out his duties under this chapter. For the purposes of initial organization, the authority shall consist of the 6 members of the New Hampshire housing finance agency whose terms expired or have expired on the following dates: September 3, 1980, September 3, 1981, September 3, 1982, September 3, 1983, September 3, 1984, November 21, 1985; and 3 members of the New Hampshire housing commission whose terms expire on the following dates: September 11, 1982, September 11, 1983, and September 11, 1984. Said members shall serve for an initial term of 5 years and until their successors have been appointed and qualified and shall be eligible for reappointment.

Amend RSA 204-C:8, V as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

V. Collect and correlate information regarding housing projects and housing laws either within or without the state, and upon request furnish local housing authorities, cities or towns, information and advice in connection with any housing project; conduct studies of housing needs in the state and use information gained thereby in planning how best to carry out the purposes of this chapter; work with other state and federal agencies in such studies and planning; develop such plans with the United States Department of Housing and Urban Development, the office for state planning and other state agencies; develop a state housing plan, and update it

periodically; and when in the opinion of the authority it is feasible to do so, select projects to fund consistently with the requirements of the plan;

Amend RSA 204-C:8, IX as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

IX. Enter into agreements or other transactions with, and accept grants, property loans, financial or other assistance of any governmental agency, lending institution or other source of furtherance of the purposes of this chapter;

Amend RSA 204-C:8, XX as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

XX. Renegotiate, refinance or foreclose, or contract for the foreclosure of, any mortgage or loan in default; waive any default or consent to the modification of the terms of any mortgage or loan; commence any action to protect or enforce any right conferred upon it by any law, mortgage, loan, contract or other agreement, and bid for and purchase such property at any foreclosure or at any other sale, or acquire to take possession of any such property; operate, manage, lease, dispose of, and otherwise deal with such property, in such manner as may be necessary to protect the interest of the authority and the holders of its bonds, notes and other obligations; all subject to any agreement with bondholders or noteholders;

Amend RSA 204-C:13 and 14 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

204-C:13 Planning, Zoning and Building Laws. All housing projects of the authority shall be subject to the planning, zoning, sanitary and building laws, ordinances and regulations applicable to the municipality in which the housing project is situated. In the planning and location of any housing project, the authority shall take into consideration the relationship of the project to any larger plan or long range program

for the development of any municipality in which the authority functions.

204-C:14 Payments in Lieu of Taxes. The authority may agree to make such payments in lieu of taxes to the state or any political subdivision thereof as the authority finds consistent with the maintenance of the low rent character of the housing projects or the achievement of the purposes of this chapter.

Amend RSA 204-C:17 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

204-C:17 Purchase of Mortgage Loans and Loans. Without limiting the generality of the powers granted under RSA 204-C:8, the authority may:

I. Invest in, purchase or make commitments to purchase, and take assignments from lending institutions of loans, whether or not secured by a mortgage, mortgage loans and promissory notes accompanying such loans or mortgage loans, including federally insured loans or mortgage loans or participations with lending institutions in such loans, promissory notes and mortgage loans, for the construction, rehabilitation, purchase, leasing or refinancing of housing within the state;

II. Sell, at public or private sale, with or without public bidding, any mortgage, loan or other obligation held by the authority; and

III. Adopt, modify or repeal rules governing the purchase and sale of loans and mortgage loans and the application of proceeds thereof.

Amend RSA 204-C:20, I and II as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

I. That with respect to rental multi-family housing, that eligible elderly and low income persons and families can afford the adjusted rentals or carrying charges set for a reasonable number, as determined by the authority but in no event less than 1/8 of the units in the housing to be financed pursuant to such commitment, without the expenditure of more than 25 percent of their annual income for basic shelter cost, in-

cluding the additional cost, if any, of heat, hot water, and other utilities, except telephone;

II. That with respect to housing other than rental multi-family housing, that the general housing market area, as determined by the authority, to be served by such housing does or shall by reason of the housing to be provided include housing for eligible elderly or low income persons and families, as well as eligible persons and families;

Amend RSA 204-C:20, V as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

V. That as to any loan to a lending institution or purchase of a loan or mortgage loan, an inadequate supply of funds for housing loans or mortgage loans exists in normal banking channels within the state and available to the general housing area;

Amend RSA 204-C:21 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

204-C:21 Regulatory Agreements for Mortgage Loans. With respect to mortgage loans made by the authority under RSA 204-C:15, each mortgage to an eligible mortgagor of multi-family housing shall be subject to a regulatory agreement between the authority and the mortgagor which subjects the multi-family housing, the mortgagor and principals of the mortgagor to limitations established by the authority as to rentals and charges, builder's and mortgagor's profits and fees, the disposition of the said housing subject to the mortgage and maximum distributions and other matters which in the judgment of the authority are necessary or desirable to carry out the purpose of this chapter.

Amend the introductory paragraph of RSA 204-C:22 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

204-C:22 Rent Levels. With respect to mortgage loans made by the authority under RSA 204-C:15, the authority shall,

pursuant to rules adopted by it, make the following initial rental determinations for the dwelling units included in rental multi-family housing financed under this chapter:

Amend RSA 204-C:24 and 25 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

204-C:24 Tenants and Operations. With respect to mortgage loans made by the authority under RSA 204-C:15, before making a loan commitment for multi-family housing, the authority shall approve a tenant or owner selection plan submitted by the eligible mortgagor. The authority shall make and publish rules from time to time governing the terms of such tenant or owner selection plans. Such plans shall include criteria for tenant or owner selection which establish income limits for eligible persons and families in accordance with rules of the authority, but which may vary with the size and circumstances of such person or family. For the purposes of initial selection, the annual income of applicants for housing shall not exceed 6 times the rental or carrying charge for the unit to be occupied including the cost, if any, of heat, hot water, and other utilities, except telephone. Tenant or owner selection plans shall provide that as between applicants equally in need and eligibility for occupancy of a unit, preference shall be given to persons displaced by public action or natural disaster, pursuant to such rules as the authority may adopt.

204-C:25 Readjustment of Rent. At least every 2 years, tenants in rental multi-family housing whose annual incomes have subsequently increased to the point where such incomes exceed 8 times the rental then being charged for the dwelling unit occupied shall have the rental or carrying charge for such unit increased to a figure, not in excess of the market rate cost or 1/8 of the occupant's then net annual income, as determined in accordance with rules of the authority.

Amend RSA 204-C:26 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

204-C:26 Bonds of Authority. The authority shall have the power, and is hereby authorized to issue its bonds and notes

in such principal amount as the authority shall determine to be necessary to provide sufficient funds for achieving any of its corporate purposes, including the making and purchase of mortgage loans, and loans to lending institutions, the payment of interest on notes and bonds of the authority, establishment of reserves to secure such bonds and notes, including the reserve funds created pursuant to RSA 204-C:40, and all other expenditures of the authority incident to and necessary or convenient to carry out its corporate purposes and powers. Whether or not the bonds and notes are of such form and character as to be negotiable instruments under RSA 382-A:8, they shall be and are deemed to be, for all purposes, negotiable instruments within the meaning of and for all the purposes of RSA 382-A:8 subject only to the provisions of the bonds and notes for registration. For purposes of subsection (g) of section 103A of the Internal Revenue Code of 1954, as amended, the state ceiling on the aggregate amount of qualified mortgage bonds which may be issued in the state for any calendar year is hereby allocated 100 percent to the authority.

Amend RSA 204-C:41, I as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

I. To assure the continued operation and solvency of the authority for the carrying out of its corporate purposes, the chairman of the authority shall, not later than the twentieth legislative day of each session of the general court, submit to the chairman of the house appropriations committee a written request for an appropriation for the sum, if any, required to insure that the bond reserve fund established under RSA 204-C:40 equal the bond reserve funds requirement. All sums appropriated by the general court, if any, paid to the authority pursuant to this section shall be deposited by the authority in the bond reserve fund.

Amend RSA 204-C:48, II as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

II. The authority may covenant and consent that the interest on certain of its bonds shall be includable, under the Internal Revenue Code of 1954 or any subsequent corresponding internal revenue law of the United States, in the gross income of the holders of the bonds to the same extent and in the same manner that the interest on bills, bonds, notes or other obligations of the United States is includable in the gross income of the holders thereof under said Internal Revenue Code or any such subsequent law. The powers herein conferred shall be in addition to the powers conferred by any other law and such powers shall not be subject to the limitations or restrictions of any other law, but nothing contained herein shall be construed to covenant or consent, or to authorize any covenant or consent, to the application of any other provision of any other law, federal or state, to the authority or to such bonds, notes, or other obligations, or to the elimination or modification in any way of any other exemption, including without limitation exemption from taxation under RSA 204-C:48, I, privilege, or immunity thereof.

Amend RSA 204-C:50 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

204-C:50 Local Laws and Taxes.

I. All multi-family housing financed under this chapter shall be subject to the planning, zoning, sanitary and building laws, ordinances and regulations applicable in the municipality in which such multi-family housing is situated. In the planning and location of any multi-family housing, the authority shall take into consideration the relationship of such multi-family housing to any larger plan or longrange program for the development of any such municipality.

II. With the consent of the local governing body of such municipality, the authority may require the eligible mortgagor to enter into an agreement between such municipality and the authority pursuant to which the multi-family housing financed by the authority shall be exempt from local real estate taxes, and the eligible mortgagor shall be required to make payments in lieu of taxes to the state or any political subdivision of the state as the authority finds consistent with

the maintenance of the character of such multi-family housing which is occupied by elderly and low income persons and families and for the achievement of the other purposes of this chapter.

Amend the bill by striking out all after section 8 and inserting in place thereof the following:

9 Transfer of Personnel. The transfer of the personnel of the New Hampshire housing commission and the New Hampshire housing finance agency to the New Hampshire housing finance authority established by this act shall not be construed to prevent the authority from terminating the employment of any such personnel or from fixing their compensation. Any employee of the commission who is in the state retirement plan, shall have the option to remain in the plan.

10 Conversion of Mutual Savings Bank to Stock Form. Amend RSA 386:10 by striking out said section and inserting in place thereof the following:

386:10 Dividends. After providing for the requirements of the guaranty fund, savings banks and savings departments of trust companies may pay dividends from their net income, but not in excess of $3\frac{1}{2}$ percent per annum, unless the total value of the assets of such savings bank or savings department, as determined by the commissioner, shall exceed the amount due the depositors by at least 5 percent. Notwithstanding any other provision of law, the board of trust company incorporation may adopt rules pursuant to RSA 541-A permitting any mutual savings bank to convert to stock form in the same manner, to the same extent and with comparable limitations as federal savings and loan associations operating within this state are permitted under rules of the Federal Home Loan Bank Board.

11 Effective Date. This act shall take effect July 1, 1981.

Amendment adopted.

Sen. Brown moved adoption of a floor amendment.

SEN. BROWN: This is a floor amendment that has just been passed out to you. On page 2, RSA 204-C:4, which is the sentence amended. All it does is take that out of Section

C3 and puts it into Section C4. That is all it does, no word change, no change of duties, functions or anything. It just puts it in the bill where it should be.

The second part of the amendment, the floor amendment, is the relation of the bonding. If you recall, in 1979, two years ago, we increased the bonding authority to \$500,000,000-\$300,000,000. Now, because of the ultimate bill that was passed in Congress, we now have to change it. We are not changing the amount or the Authority. The amount is still \$800,000,000 but we are changing it to six and two rather than five and three mainly because of the moral obligation. We have to have a hair-bonding authority, moral obligation, which is \$600,000,000. That is the reason as I stated, because of the element bill that was passed in Washington. There is no change in the bonding authority, it is exactly the same as it has been.

Floor Amendment to HB 822-FN

Amend RSA 204-C:3 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

204-C:3 Housing Finance Board. The powers of the authority shall be vested in 9 members to be appointed by the governor with the advice and consent of the council. One member of the board shall be a person having experience in the construction of single family real estate; one member shall be a person having experience in residential mortgage banking; and at least 2 members shall be persons representing the general public who are neither bankers nor builders, nor in the business of selling or renting real estate. Except for the purposes of initial organization, no more than 5 members shall be of the same political party. The members shall elect annually from among their number a chairman and vice-chairman, and such other officers as they may determine. Terms of board members shall be 5 years. No member may serve more than 2 consecutive terms. No member of the board shall serve on any other state board, commission, or in any other state agency during his or her term of office as a member of the housing finance board. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the rights and perform all

the duties of the authority. A member shall hold office until his successor has been appointed and qualified. Members shall receive no salary for the performance of their duties hereunder, but each member shall be reimbursed for his reasonable expenses incurred in carrying out his duties under this chapter. For the purposes of initial organization, the board shall consist of the 6 members of the New Hampshire housing finance agency whose terms expired or have expired on the following dates: September 3, 1980, September 3, 1981, September 3, 1982, September 3, 1983, September 3, 1984, November 21, 1985; and 3 members of the New Hampshire housing commission whose terms expire on the following dates: September 11, 1982, September 11, 1983, and September 11, 1984. Said members shall serve for an initial term of 5 years and until their successors have been appointed and qualified, and shall be eligible for reappointment.

Amend RSA 204-C:4 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

204-C:4 Meetings of Board. Meetings shall be held at the call of the chairman, executive director or when 3 members so request. Five members of the board shall constitute a quorum and the affirmative vote of 5 members shall be necessary for any action taken by the authority. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the rights and perform all the duties of the authority.

Amend RSA 204-C:28, I and the introductory paragraph in RSA 204-C:28, II as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

I. Except as may otherwise be expressly provided by resolution of the authority, every issue of its notes and bonds shall be general obligations of the authority payable out of any revenues or moneys of the authority, subject only to any agreements with the holders of particular notes or bonds pledging any particular revenues. The authority shall not at any time have outstanding obligations, other than obligations to which paragraph II applies, the unpaid principal amount of which is in excess of \$600,000,000 in the aggregate. In computing the

total amount of obligations of the authority which may at any time be outstanding for any purpose under this chapter, the amount of the outstanding obligations refunded or to be refunded from the proceeds of the sale of new obligations or by the exchange of new obligations shall be excluded.

II. In addition to the obligations which the authority may have outstanding under paragraph I, the authority may issue notes and bonds not in excess of \$200,000,000 for the purposes specified in this paragraph. Such notes and bonds shall constitute general obligations of the authority payable out of any revenues or moneys of the authority, subject only to any agreements with the holders of particular notes and bonds pledging any particular revenues. The purposes for which such notes and bonds may be issued pursuant to this paragraph shall be to provide sufficient funds for any one or more of the following:

Amendment adopted. Ordered to third reading.

HB 907, requiring the reporting of income from liquor and wine sales to the state. Inexpedient to legislate. Sen. Brown for the committee.

SEN. BROWN: The committee had a hearing on it and the only one that testified at the hearing was the sponsor. There was no one else, pro or con, and the committee voted inexpedient because those figures are available. It is just a matter of going to ask for them. I don't think, penny-wise, you need a statute in order to do it.

Adopted.

HB 180-FN, relative to sunset review of police standards and training council. Ought to pass. Sen. Brown for the committee.

SEN. BROWN: This is the sunset bill to police standards & training council, to keep that in existence for another six years. The House, no Senate amendment, the House did say that they may reimburse the towns and cities for any police officers they send here for training, for mileage and whatever. That is the complete bill.

Adopted. Ordered to third reading.

HB 609-FN, increasing the bonding authority of the New Hampshire transportation authority railroad division. Ought to pass with amendment. Sen. Brown for the committee.

SEN. BROWN: HB 609 increases the bonding authority to the N.H. Transportation Authority. It's down to \$4,000,000, to build it up to \$6,000,000; it also stated that \$1,000,000 would go to the Ashuelot Line over in Keene and \$1,000,000 to the Conway Branch and the other the balance of the state and this is the state bonding. If you remember, last week we brought in HB 937 which was bonding for the railroads, but that was private bonding, which has been in existence for some period of time. This just increases it to the four, to which it is presently, the authority up to six. That's the bill.

Amendment to HB 609-FN

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

increasing the bonding authority of the
New Hampshire transportation authority
railroad division and relative to leased interests.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Increase of Railroad Bonding. Amend 1974, 49:2-49:4 by striking out said sections and inserting in place thereof the following:

49:2 Appropriation. There is hereby appropriated the sum of \$6,000,000 for the purpose of purchasing, leasing or selling railroad properties and for the rebuilding, modernization and maintenance of any railroad properties acquired by lease, purchase or otherwise pursuant to the provisions of RSA 21-E. Said appropriation shall be nonlapsing and may be expended by the authority for the aforementioned purposes only.

49:3 Bond Issue Authorized. To provide funds for the purposes of section 2 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state or to borrow from the federal government, or a combination of both a sum not exceeding \$6,000,000 and for that purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provision of RSA 6-A.

49:4 Amortization of Bonds. The interest and principal due on bonds, notes or loans under section 3 of this act shall be a charge upon the special fund established by RSA 21-E:19. In the event there are insufficient moneys in said special fund to meet principal and interest payments on the bonds or loans issued pursuant to section 3 of this act when due, said principal and interest shall be paid from any moneys in the treasury not otherwise appropriated and are hereby appropriated therefor but to be reimbursed to the general fund of the state from said special fund in accordance with RSA 21-E:20, II.

2 Leased Interests Included. Amend RSA 21-E:17 (supp) as inserted by 1977, 598:1 by inserting in line 6 after the word "owned" the following (or leased) and by inserting in line 8 after the word "owned" the following (or leased) so that said section as amended shall read as follows:

21-E:17 Rebuilding. Modernization and Maintenance of Rail Properties. The authority is authorized to contract for the rebuilding of any rail properties acquired under the provisions of this chapter within the provisions of the Regional Rail Reorganization Act of 1973, or other pertinent federal regulation. The authority is further authorized to spend any sums appropriated for such purposes as well as any other available funds for the modernization and rebuilding of any rail properties owned or leased by the state. The authority is also authorized to do such maintenance on any rail properties owned or leased by the state as appears necessary in the public interest.

3 Repeal. RSA 21-E:11 relative to the purchase price of rail properties is hereby repealed.

4 Special Funds. Of the moneys appropriated by this act, \$1,000,000 shall be placed in a special fund to be used for the rebuilding, modernization and maintenance of the Conway branch line and \$1,000,000 shall be placed in a special fund to be used for the rebuilding, modernization and maintenance of the Ashuelot branch line or the Cheshire branch line or

both. Such funds shall be continually appropriated and shall not lapse.

5 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted. Ordered to third reading.

HB 828, establishing the joint legislative historical committee as a standing committee. Ought to pass. Sen. Brown for the committee.

SEN. BROWN: HB 828 creates a joint legislative historical committee. It is created by four members of the Senate and four members of the House. This is the fund — the fund created by commemorative liquor bottles sold by the Liquor Commission for historical purposes within any public building such as the State House, Annex and Legislative Office Building. But this work has been done in the past by the Legislative Facilities Committee and they also control the funds of how this is spent. This committee will do the same thing. The Legislative Facilities Committee is doing it, this makes it a standing committee so that it will be operating year-round whereas the LFC that periodically, and not to spend, disburse money for any paintings or refurbishing portraits, such as has been going on through the years and now, this committee can meet and make the judgment.

Adopted. Ordered to third reading.

Sen. Lamontagne moved that HB 516 be taken off the table.

Adopted.

HB 516-FN, to remove the spousal exception to sexual assault offenses.

Sen. Splaine moved that HB 516-FN be made a Special Order of Business at 1:01 p.m., Wednesday, June 3, 1981.

Adopted.

HB 527, requiring the reporting of adult abuse. Ought to pass. Sen. Champagne for the committee.

SEN. CHAMPAGNE: This bill, requiring the reporting of adult abuse, was passed through the last session. This bill would strengthen the reporting requirements of that particular law and we recommend ought to pass.

Adopted. Ordered to third reading.

HB 528, relative to changes in the law against discrimination. Inexpedient to legislate. Sen. Chandler for the committee.

SEN. CHANDLER: At the present time, anybody who feels that they have been discriminated against because of race or religion or sex has two courses they could take. They can appeal to the Commission on Equal Rights or appeal to the Department of Employment Security and if they appeal to the one, that precludes them appealing to another; their only other recourse would be to go to the Superior Court. So this bill was to change the law so they could appeal to either or they could appeal to both; in other words, if they got the person they thought were aggrieved somewhere, they would kind of get what they term as "two bites out of the apple." If it didn't pan out one way, they could try it the other way and the committee felt that they have enough recourse under the present statute. So they recommend the bill be inexpedient.

Adopted.

HB 549, relative to the judicial council. Ought to pass with amendment. Sen. Champagne for the committee.

SEN. CHAMPAGNE: This bill changes the make-up of the Judicial Council. The House had an amendment on the bill making it illegal for a member of the Legislature to be appointed to the Judicial Council. That amendment has been removed in the Senate and that is the amendment that is referred to and we recommend ought to pass as amended.

Amendment to HB 549

Amend RSA 494:1, VIII as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

VIII. seven other members appointed by the governor and council, 4 of whom shall be members of the bar of the state of wide experience who have been admitted to practice in the state for more than 5 years, and one of whom shall be a lay person.

Amendment adopted. Ordered to third reading.

HB 580, relative to the creation of valid contracts between a husband and wife and between a man and woman in contemplation of marriage. Ought to pass with amendment. Sen. Lessard for the committee.

SEN. LESSARD: This is a good bill. It provides for pre-nuptial agreements between two consulting adults who are about to be married and the purpose for the legislation is, when you have a home or a certain piece of property which has been in the family for years and years you do not want that to be part of a settlement in the future if you might be divorced. There are so many divorces now, for a number of reasons, you can understand why something like a home that has been in the family for years and years could possibly, an owner of that would want it to stay in the family in the event of a divorce. The amendment would remove the provision of the bill that would provide for an agreement during the marriage. Certain members of the committee didn't feel that that was necessary so it is amended out in the spirit of compromise. So I hope that you will all support this very good piece of legislation.

Amendment to HB 580

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to the creation of valid
contracts between a man and woman
in contemplation of marriage.

Amend RSA 460:2-a as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

460:2-a Antenuptial Agreements. A man and woman in contemplation of marriage may enter into a written interspousal contract and the courts of this state shall give the same effect to such contracts entered in other jurisdictions as would the courts of that other jurisdiction. However, no contract otherwise enforceable under this section may contain any term which attempts to abrogate the statutory or common law rights of minor children of the contemplated marriage.

Amendment adopted. Ordered to third reading.

HB 603, creating mandatory sentences for the felonious use of firearms. Ought to pass. Sen. Champagne for the committee.

SEN. CHAMPAGNE: This bill creates mandatory sentences for committing a crime with the use of a firearm. The original bill provided for sentences of three for the first offense, five for the second. The bill has been amended and it was amended in the House and we recommend passage accordingly to make it one year mandatory for the first offense and three for the second and we recommend passage.

Adopted. Ordered to third reading.

HB 834, relative to habitual offenders. Interim study. Sen. Champagne for the committee.

SEN. CHAMPAGNE: Currently, under the habitual offender statute, the Attorney General prepares petitions on habitual offenders and sends it to the court. The Attorney General testified that it takes them anywhere from nine to eleven months to prepare a petition. They wanted a change so that the procedure all remains at the Motor Vehicle Department. Frankly, our committee had problems with that. If the Attorney General can't prepare a petition sooner than nine to eleven months, then it is not a bill we need, it's something else. That is why this whole matter was referred to interim study and we recommend such.

Adopted, referred to interim study.

HB 675-FN, relative to penalties for the theft of utility services. Ought to pass with amendment. Sen. Champagne for the committee.

SEN. CHAMPAGNE: The ever-increasing rise in utility bills, tampering with the meters and various other facilities, have become a serious crime. People paying for that crime are those people whose power is being stolen, whose meters are being tampered with and this law, or this statute, would toughen that procedure and enable law enforcement officers to deal with this crime and we recommend passage with amendment.

Amendment to HB 675

Amend RSA 539:7, II as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

II. The existence of any of the results prohibited in paragraph I with reference to meters, recording devices or attachments shall be evidence that the person to whom such utility service is at the time being furnished by or through such meters, recording devices, or attachments, has knowingly created or caused to be created the conditions so existing; provided that the evidence referred to in this paragraph shall not apply to any person who has been furnished with electric, gas, water or telephone service for less than 31 days, or until the first meter reading has been made; and, provided further that the evidence referred to in this paragraph shall not apply to any person whose electric meter, recording devices and attachments are on the property of another person or under the control of another person.

Amendment adopted. Ordered to third reading.

HB 899, relative to the reinstatement of certain corporations. Ought to pass with amendment. Sen. Champagne for the committee.

SEN. CHAMPAGNE: The original bill called for the reinstatement for a corporation called Hydraulic Data Company,

Inc. The House added another corporation which somebody forgot to file, called Mr. Cotesky, and in the Senate somebody else came in and added a third corporation, a company called Hill Top Place Community Association. These three corporations, for various reasons, were left to expire and are now being reinstated and we recommend passage.

Amendment to HB 899

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Reinstatement of Hilltop Place Community Association. The charter of Hilltop Place Community Association (New London, 1971) was forfeited on April 26, 1977, under RSA 292:25-29. Upon payment of any fees in arrears and the filing with the secretary of state of any returns required by law, and upon payment of the \$50 fee which would have been required for revival of the charter under RSA 292:30, IV, Hilltop Place Community Association shall be hereby reinstated for all purposes as a New Hampshire corporation, and this reinstatement shall be retroactive to April 26, 1977.

4 Effective Date. This act shall take effect upon its passage.

Amendment adopted. Ordered to third reading.

HB 736-FN, prohibiting reductions in the liability for assessed property taxes and certain fees, except through the abatement process. Inexpedient to legislate. Sen. Wiggins for the committee.

SEN. WIGGINS: This bill does nothing but what is already the powers of the selectmen. They have all kinds of powers to abate or listen to a complaint on evaluations and can reduce the property tax by reducing the value or abating the tax. So we see no need for this bill and we urge inexpedient to legislate.

Adopted.

HB 710, relative to regulations of non-corporations as public utilities. Ought to pass. Sen. Mann for the committee.

SEN. MANN: This bill is a very simple bill. It just substitutes the words "business entity" for the words "corporation" in the present Public Utilities law.

Adopted. Ordered to third reading.

HB 480, restructuring the management of the department of centralized data processing. Interim study. Sen. Wiggins for the committee.

SEN. WIGGINS: This bill, if passed, would add four managerial positions in the Department of Data Processing. There was money in the bill and the terms of the managerial positions would be given at three years. We had a hearing on the bill and being an ex-commissioner of Data Processing, I recommend we put this bill into interim study and see what they are trying to do and urge the Senate to go along with it.

Adopted, referred to interim study.

HB 579-FN, establishing a New Hampshire public employee safety act. Inexpedient to legislate. Sen. Wiggins for the committee.

SEN. WIGGINS: This is a far-reaching bill. It would establish OSHA for the State of New Hampshire. It starts in giving them four positions in the Department of Labor and I can guarantee you next year they will come back and want thirty more. I have opposed the State taking on OSHA because the federal government takes it on for us and we don't have to spend the money. We have a tremendous amount of buildings in the cities and towns in the State that do not conform to OSHA regulations and this bill, if it passed, and the inspectors wanted to enforce all the rules and regulations in OSHA would cost us millions of dollars and I recommend inexpedient to legislate.

Adopted.

HB 696, to register dealers in precious metals. Interim study. Sen. Wiggins for the committee.

SEN. WIGGINS: This is a very far-reaching bill. It would pertain to antique dealers, to the flea markets, to anybody that wanted to sell an old relic or an old anything. All the dealers would have to be licensed, all those selling property would have to be finger-printed. I don't think that we have reached the state in this country yet where we need a gestapo. It doesn't seem to me that we need such restrictions and I am very much against this. I wanted it inexpedient to legislate but the committee wanted it to go to interim study. This bill has far-reaching effects. Police chiefs of Manchester and another place wanted it. It would help the police chiefs some but it would also require a tremendous amount of work to license all those who are to deal or buy antiques or run flea markets and they would have to have a finger-print set. We had a tremendous amount of testimony. I have myself received a tremendous amount of calls against it and I urge the Senate to go along with interim study.

SEN. SPLAINE: I want to speak in favor of the committee report. I received several calls on this too, as I assume most of us in the Senate have, and many in the House and I learned about the discussion of a public hearing for those members. I want to tell you that the three people in Portsmouth who contacted me on this issue were at the public hearing and were extremely pleased the way the public hearing was held and the concern of the committee members on reviewing this issue. I and they support the interim study because there appears to be some need for some kind of new statutory provisions but at the same time, HB 696 doesn't clarify exactly what they are and it certainly seems to be quite unworkable. So two reasons why I speak in favor is to support the committee and secondly to commend the committee for their fine work and hope in the interim study all these police chiefs, metals dealers and everyone else can come together. I think they want to and will work with the committee on putting something good together.

Adopted, referred to interim study.

HB 697, relative to the measurements of a cord of wood. Inexpedient to legislate. Sen. Wiggins for the committee.

SEN. WIGGINS: The majority of us know what a cord of wood is. They cut the wood four feet long, stack it four feet high and eight feet long and that is a cord of wood, 128 cubic feet. But it seems though the problem is, and what they have tried to bring across is, they want to buy a cord of wood after it's been sawed up. This makes the difference. A cord of wood sawed up, you pack it, you will not have four feet high, or it won't be quite four feet long because you are sawing out some of that wood with a chain saw when you are sawing it and we studied this quite a bit. We had a lot of testimony about a cord of wood and which most of us know — I have cut lots of cords of wood myself — but I cannot see where we should be giving — they wanted closely laid together, they go to at least 105 cubic feet. Well, it packs a lot tighter after you cut it 16 inches long than it does when it is four feet long and we figured that most people know what they are buying and we shouldn't go along with this bill and we recommend it as inexpedient to legislate.

SEN. LAMONTAGNE: I rise in support of the committee report and it would also create a problem for those who are selling wood by the truckload and at the same time many of these dealers that are also selling wood at 80 cubic feet and it certainly would create a problem. There are lots of times when the wood is cut it is over four feet and, again, as has been said by Sen. Wiggins, that a cord of wood is eight feet long, four feet and the wood is four feet but many times the wood is cut, possibly at four feet-two, sometimes, four feet-five and sometimes even four and one-half feet. So this would certainly create a problem, if you passed this bill.

Adopted.

HB 921-FN, relative to the powers of the water resources board. Inexpedient to legislate. Sen. Wiggins for the committee.

SEN. WIGGINS: This bill would give the powers of the board a lot more broad jurisdiction than they have now. It would designate them as a lead agency and they would have jurisdiction over all the waters and water planning, in planning for water allocations. They would be able to investigate and identify and facilitate for storing supplies of water and dis-

tribution of surplus water. It seems to me that somewhere along the line that we need to get water pollution and water resources together, make them work together on our water supply and also have some public input in it without giving them the complete jurisdiction to one board and we recommend it inexpedient to legislate.

Adopted.

HB 862, limiting transfer of specially appropriated money under the municipal budget law. Ought to pass. Sen. Podles for the committee.

SEN. PODLES: HB 862 limits transfers of money under the Municipal Budget Law. It further necessitates special town meetings when any line item in the budget goes over that particular line of the budget. The committee recommends ought to pass.

Adopted. Ordered to third reading.

HB 21-FN, relative to the militia and making an appropriation therefor. Ought to pass. Sen. Podles for the committee.

SEN. PODLES: HB 21 mostly updates archaic statutes. The bill takes out reference to "he" or "him" to make the sex neutral. Due to the increase of women in the N.H. National Guard, it increases the age of the militia to eighteen — from seventeen — to be in line with the federal age for enlistment. The section for the request for \$200 to outfit each new officer was taken out so that appropriation is not there. The committee recommends ought to pass.

Adopted. Ordered to third reading.

HCR 9, authorizing the display of the N.H. National Guard Commendation Medal in the Trophy Room of Arlington Memorial Amphitheater at Arlington National Cemetery. Ought to pass. Sen. Podles for the committee.

SEN. PODLES: HCR 9 authorizes the display of the N.H. National Guard Commendation Medal in the Trophy Room of

Arlington Memorial Amphitheater at Arlington National Cemetery. The committee recommends ought to pass.

Adopted. Ordered to third reading.

HB 557-FN, increasing fees for town clerks for collecting motor vehicle permit fees and increasing certain fees related to tax sales. Inexpedient to legislate. Sen. Wiggins for the committee.

SEN. WIGGINS: This bill would increase the town clerks' fees one-hundred percent. In these times of inflation, we can see no need for it. We had a hearing on the bill, two people appeared before it, one member of the Town Clerks Association and one town clerk. We asked considerable questions and we had considerable discussion and the committee recommended inexpedient at this time.

Adopted.

HB 402-FN, relative to the small scale power facilities finance act. Ought to pass. Sen. Boyer for the committee.

SEN. BOYER: This bill exempts debt incurred from small-scale hydroelectric development from municipal debt limits. It creates an alternative cost for financing in county, town, village, district for small-scale hydro projects and exempts the Municipal Hydro Projects from the improvement process required for the municipal acquisition of electric power facilities. The small-scale hydro-electric power is considered 80 megawatts or less. It came out of committee, unanimous, ought to pass.

Adopted. Ordered to third reading.

HB 687-FN, changing the deadline for applying for a tax lien for the elderly or disabled. Inexpedient to legislate. Sen. Wiggins for the committee.

Sen. Wiggins moved the words "ought to pass with amendment" be substituted for "inexpedient to legislate."

SEN. WIGGINS: I have an amendment here I have had passed out and I would like to change the committee report after discussing it with some of the committee. I would like to make that ought to pass because I have found out that some of the selectmen in different towns have problems with their aged or handicapped in getting the people to apply for exemptions for reductions in taxes. So this amendment would make it so they could apply for exemptions after they received their tax bill and the application must be made by December 15 of the tax year. Usually we require old people, if they want an exemption or reduction, they apply around the first of July and — but it seems though several towns, especially down in Hampton and the surrounding area, there are problems getting this done, so I would like to move that we change this on the calendar from inexpedient to ought to pass with amendment.

SEN. LAMONTAGNE: A question. I notice that you are referring to towns. Would this include cities?

SEN. WIGGINS: Most of it, Sen. Lamontagne, was referring to the towns; the cities have a little different tax structure.

SEN. BOYER: A question of Sen. Wiggins. How did we arrive at the date of December 15th of the current tax year?

SEN. WIGGINS: This is the amendment they brought to me, sir. I think they talked to Sen. Brown on it. There were some people from Hampton who wanted this changed. They could live with the December 15th because the tax bill would usually go out in October and they would have some idea of what their taxes are. They hate to apply before they know what their taxes are.

SEN. BOYER: Was this amendment discussed in committee at all?

SEN. WIGGINS: I have discussed it with some members of the committee but I couldn't find you this morning, Senator.

SEN. BOYER: Did I stop you as you were crossing the street from the LOB to the State House about a quarter of twelve, on your way to meet with the Senate President?

SEN. WIGGINS: You sure did, Senator.

SEN. BOYER: Did we discuss this bill prior to —

SEN. WIGGINS: No, it wasn't on my mind at that time, Senator.

SEN. BOYER: Wasn't it yourself that moved that this bill ought to be inexpedient to legislate in committee?

SEN. WIGGINS: That is true, Senator, because it had four months after receipt of tax bill.

SEN. BOYER: Isn't it the procedure right now that when one wants to get an abatement for taxes that there is a four month period — they have to file within a four-month period after receiving the tax bill?

SEN. WIGGINS: I think now most of them are applied by the first of July. It might be different but that is what my memory serves me, sir.

SEN. BOYER: When a person wants to get their taxes abated, not handicapped or elderly, because the taxes may be too high, don't they have to file within four months of receipt of the tax bill?

SEN. WIGGINS: That is right.

SEN. BOYER: Wasn't it one of the arguments, or at least this committee member, that this bill might not be a bad bill and that if we did anything, we ought to have it within four months, using the same time period, so that it would be consistent with the rest of the statute on abatements?

SEN. WIGGINS: Senator, that's not what I am aware of.

Sen. Wiggins moved that HB 687-FN be recommitted to committee.

Adopted.

ENROLLED BILLS AMENDMENTS

HB 25-FN, to permit the establishment of police commissions by town vote. Sen. Wiggins for the committee.

SEN. WIGGINS: This amendment corrects a grammatical error in the bill.

Enrolled Bill Amendment to HB 25-FN

Amend RSA 105-C:5 as inserted by section 1 of the bill by striking out line 8 and inserting in place thereof the following:

of his original appointment.

Amendment adopted.

HB 750, relative to clarification of air resources commission procedures. Sen. Wiggins for the committee.

SEN. WIGGINS: This amendment corrects the omission of a section number and a section heading.

Enrolled Bill Amendment to HB 750

Amend section 6 of the bill by striking out lines 3 through 8 and inserting in place thereof the following:

introductory paragraph and inserting in place thereof the following:

125-C:14 Rehearings and Appeals. The adoption of any rule by the commission or the issuance, denial, suspension or revocation of any permit pursuant to this chapter may be the subject of a motion for rehearing and appeal by any person aggrieved by such action in the following manner:

Amendment adopted.

HB 632-FN, redefining the extended authority agreement for the rendering of mutual aid by police departments. Sen. Wiggins for the committee.

SEN. WIGGINS: This amendment corrects a typographical error.

Enrolled Bill Amendment to HB 632-FN

Amend RSA 105:13 as inserted by section 1 of the bill by striking out line 12 and inserting in place thereof the following:

official of a town or city is authorized to make an oral request for

Amendment adopted.

Sen. Preston moved that HB 157 be taken from the table.
Adopted.

HB 157-FN, relative to the sunset review of the real estate commission. Ought to pass. Sen. Conley for the committee.

SEN. CONLEY: When this committee reviewed the actions of the House with regard to the Real Estate Commission, we agreed with the House at the time, because several of us had sat on the committee. However, you are going to hear a floor amendment which is being presented by Sen. Preston who has conferred with the Executive Departments Committee and with parties involved in the Real Estate Commission and we concur with his making a floor amendment and would ask the Senate to listen to Sen. Preston and concur with the amendment that he is going to present.

Sen. Preston moved a floor amendment.

SEN. PRESTON: This amendment will simply put this back into a conference committee and relative to the sunset of the Real Estate Commission. An amendment was added that would initially have required testing before licensing, and that was done away with and added a program of education before people would be given their real estate licenses. It is not clear how long, how much or how extensive or expensive the education would be. I don't think the committee took into effect that such a requirement might affect 15% to 20% of the licensees that might be part-time brokers and I am sure it is not our intention to disenfranchise anyone of their licenses. So this amendment removes that accreditation portion of the bill and puts it into interim study, to a conference committee.

SEN. LAMONTAGNE: Sen. Preston, will this affect the board? Right now I understand the board is — the licensing would be in the Secretary of State. Is this going to continue to do that?

SEN. PRESTON: This sunset here has no affect on the Board as it now stands but it just places an educational requirement on the licensing.

SEN. LAMONTAGNE: In other words, the Board would stay where it is.

SEN. PRESTON: The Board would stay where it is under this bill but there are those part-time brokers that could be affected by this and affect the income of the Real Estate

Commission if this was voted. So this would give us another opportunity to review. It is not to hurt the Real Estate Board.

Floor Amendment to HB 157-FN

Amend RSA 331-A:4-a as inserted by section 5 of the bill by striking out same.

Amend RSA 331-A:4-b, VIII, IX and X as inserted by section 5 of the bill by striking out same and inserting in place thereof the following:

VIII. Accreditation of programs of study in real estate, and the conduct of such programs; and

IX. Procedure in board proceedings.

Amend RSA 331-A:4-cc as inserted by section 7 of the bill by striking out same and inserting in place thereof the following:

331-A:4-cc Programs of Study. The board shall accredit programs of study in real estate. The board shall require any individual, corporation, or educational institution seeking accreditation or renewal of accreditation of a real estate course to submit documents, statements and forms prior to approval.

Amend the bill by striking out section 10 and renumbering sections 11 and 12 to read as 10 and 11, respectively.

Amendment adopted. Ordered to third reading.

SPECIAL ORDER

1:01 p.m.

HB 566-FN, relative to workers' compensation. Ought to pass.

Sen. Lamontagne moved that HB 566-FN be laid on the table.

Adopted.

HOUSE MESSAGES

VETO OVER-RIDES

HB 199, relative to sunset review of water supply and pollution control commission — subsurface waste disposal.

HB 197, relative to sunset review of water supply and pollution control commission — office of commissioner.

HB 204, relative to sunset review of New England water pollution control commission.

HB 182, relative to the sunset review of the division of public works — administration.

HB 201, relative to sunset review of water supply and pollution control commission — construction grants — administration.

HB 194, relative to sunset review of water resources board — water resources division.

HB 198, relative to sunset review of water supply and pollution control commission — Winnepesaukee river basin.

HB 200, relative to sunset review of water supply and pollution control commission — water supply division.

HB 195, relative to sunset review of water resources board — construction crew.

HB 196, relative to sunset review of water resources board — special board.

SEN. MONIER: We have, with these veto messages, another indication that the administration at the present time just can't make up its mind about what it's doing. First, the Governor told us that these bills are bad bills, that they should not become law; he told us — and I quote from his message — “I cannot in good conscience sign these bills into law until the Legislature has given serious consideration to the Governor's — my own — reorganization proposal.” Now, that the Legislature has studied the so-called Reorganization Bill and has decided to either kill them, send them to additional study or to amend and deal with them, he tell us, “that now, pass these bills he vetoed,” that at one time he “could not in good conscience sign into law.” He keeps telling us — and he changes his mind and wants them enacted into law. It is sort of like here today and gone tomorrow, or perhaps like the old song, “your lips tell me no-no but there is yes-yes in your eyes.”

Because of the confusion that I have as a result of these actions, I am going to recommend that the Senate lay these veto messages on the table for the present time and to see if the Chief Executive's Office can change its mind or wants to stay with them. Once we get a very clear signal from them as to what we finally want, we can then bring these veto messages before the Senate for decisive action. I add to it that they will not die on the table.

Sen. Lamontagne moved to lay the veto overrides on the table.

Adopted.

Sen. Monier in the Chair.

Sen. Brown moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills ordered to third reading be read a third time by this resolution and that all titles be the same as adopted, and that they be passed at the present time; and that when we adjourn, we adjourn until Wednesday, June 3, 1981 at 1:00 p.m.

Adopted.

LATE SESSION

Third Reading and Final Passage

HB 879-FN, relative to the time for changing party affiliation and filing candidacies for the state primary election.

HB 920-FN, making several amendments to election laws.

HB 129-FN, relative to sunset review of war orphans scholarships.

HB 158-FN, relative to sunset review of shorthand court reporters.

HB 244, legalizing the vote taken in the town of Bedford on November 4, 1980, to amend the Bedford zoning ordinance.

HB 231, legalizing the Mont Vernon town meeting.

HB 906, restricting smoking in enclosed public places.

HB 332-FN, amending the provisions of law regarding the towing of abandoned vehicles.

HB 419, relative to the boundary of Hilton State Park, property dedicated to highway improvement and construction and reconstruction of certain bridges.

HB 302, classifying Dublin Road in the Town of Jaffrey as a Class II highway.

HB 722, regulating the use of rail rights of way.

HB 829-FN, amending the current use law.

HB 841-FN, to provide for the protection and preservation of historic resources.

HB 441-FN, regarding the responsibilities of the council on resources and development.

HB 475-FN, establishing a forest resources planning act.

HB 494-FN, to encourage productive agriculture within the state.

HB 463-FN, relative to aquatic weed control.

HB 406-FN, establishing a contribution for use in the management of wildlife.

HB 604-FN, establishing liability for educational costs for certain children in residential child care facilities.

HB 935, inserting a new special education program.

HB 822, establishing a housing finance authority and relative to conversion to stock form by mutual savings banks.

HB 180-FN, relative to sunset review of police standard and training council.

HB 609-FN, increasing the bonding authority of the New Hampshire transportation authority railroad division.

HB 828, establishing the joint legislative historical committee as a standing committee.

HB 527, requiring the reporting of adult abuse.

HB 549, relative to the judicial council.

HB 580, relative to the creation of valid contracts between a man and woman in contemplation of marriage.

HB 603, creating mandatory sentences for the felonious use of firearms.

HB 675-FN, relative to penalties for the theft of utility services.

HB 899, relative to the reinstatement of certain corporations.

HB 710, relative to regulations of non-corporations as public utilities.

HB 862, limiting transfers of specially appropriated money under the municipal budget law.

HB 21-FN, relative to the militia and making an appropriation therefor.

HCR 9, authorizing the display of the N.H. National Guard Commendation Medal in the Trophy Room of Arlington Memorial Amphitheater at Arlington National Cemetery.

HB 402-FN, relative to the small scale power facilities finance act.

HB 157-FN, relative to the sunset review of the real estate commission.

Adopted.

Sen. Lessard moved the Senate adjourn at 5:30 p.m.

Adopted.

Wednesday, June 3, 1981

The Senate met at 1:00 p.m.

A quorum was present.

The prayer was offered by Sen. Chandler.

Let us pray.

Our heavenly Father — in these waning days of the session, please give us Thy guidance to make the right decisions and have this Honorable body keep the ship of state afloat.

Amen

Sen. Preston led the Pledge of Allegiance.

Senators Roy and Bergeron are excused for the day.

Sen. Roy is excused for yesterday's absence.

ANNOUNCEMENTS

ENROLLED BILLS AMENDMENT

HB 666, enabling cities and towns to regulate certain activities on public property. Sen. Wiggins for the committee.

SEN. WIGGINS: This amendment corrects a grammatical error in RSA 47:17, XIV-a.

Enrolled Bill Amendment to HB 666

Amend RSA 47:17, XIV-a as inserted by section 2 of the bill by striking out line 7 and inserting in place thereof the following:

to interfere with people approaching or entering a polling place.

Amendment adopted.

COMMITTEE REPORTS

HB 154-FN, relative to sunset review of land surveyors. Ought to pass with amendment. Sen. Conley for the committee.

SEN. CONLEY: The action that our committee has taken by amendment on HB 154-FN is to clean up some of the areas that we felt were lacking in the House bill, having to do with subpoena power and limiting the use of the stamp so that on a surveyor's stamp it would also have to be signed because there have been instances where stamps have been passed around by people who have no business in the business. Also with a reciprocity section. We are recommending that with the amendment that we can go along with HB 154-FN.

Amendment to HB 154

Amend RSA 319-A:3, II (b) as inserted by section 6 of the bill by striking out same and inserting in place thereof the following:

(b) Have been engaged in the practice of land surveying in New Hampshire for at least 6 years; and

Amend section 8 of the bill by striking out same and inserting in place thereof the following:

8 Fees. Amend RSA 319-A:8-a (supp) as inserted by 1973, 162:3 by striking out said section and inserting in place thereof the following:

319-A:8-a Additional Powers. The board shall adopt and have an official seal. The board may subpoena witnesses and compel their attendance, and also may require the production of books, papers and documents in a case involving the revocation of registration.

319-A:8-b Fees. The board shall establish fees for examination of applicants, for licenses and for renewal of licenses to practice land surveying and for transcribing and transferring records and other services. The fees established by the board shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the board for the previous fiscal year.

Amend RSA 319-A:12 as inserted by section 10 of the bill by striking out same and inserting in place thereof the following:

319-A:12 Report. The board shall publish a roster and report on July 31 of each even numbered year, listing the names, license number, and addresses of all licensed land surveyors. Copies of this report shall be mailed to each person so licensed, placed on file with the secretary of state and furnished to the public on request and payment of a reasonable charge in an amount determined by the board.

Amend RSA 319-A:19 as inserted by section 14 of the bill by striking out same and inserting in place thereof the following:

319-A:19 Licenses.

I. The board shall issue a license upon payment of the required fee to any applicant who, in the opinion of the board, has satisfactorily met all the requirements for such license. This license shall authorize the practice of land surveying. The issuance of a license by the board shall be prima facie evidence that the licensee is entitled to all rights and privileges of a licensed land surveyor while the license remains valid.

II. Each licensee shall obtain a seal of the design authorized by the board, bearing the licensee's name, the legend "Li-

censed Land Surveyor", and a place for the licensee's signature. Plans, plats, and reports prepared by a licensee shall be stamped with the seal and signed by the licensee during the life of the license, but it shall be unlawful for anyone to stamp or seal any document with a seal after expiration, suspension or revocation of a license, unless the license has been renewed or reissued.

Amend the bill by striking out section 20 and inserting in place thereof the following:

20 Registration Under Previous Law. Nothing in this act shall be construed to in any manner limit the practice of a person operating under a valid certificate of registration as a landscape architect under previous law. Such registration shall expire as provided under previous law, and only then shall such person be required to satisfy the requirements for licensure under this act.

Amendment adopted. Ordered to third reading.

SB 401-FN (HB 143-FN), relative to sunset review of the arborist board. Ought to pass with amendment. Sen. Conley for the committee.

SEN. CONLEY: SB 401-FN essentially reestablishes the arborist board. There is a great deal of confusion with regards to the duties of arborists, vis-a-vis foresters. If we can make a quick comparison, it is much in the area of wildlife where you have the hunter on one end and the veterinarian on the other end. This is very much the area of forestry that has to do with tree surgery and the spraying of trees, and that sort of thing whereby it should be done by licensed people who can handle pesticides and that kind of material. It was the feeling of our committee that this particular board should be reestablished.

Amendment to SB 401-FN

Amend the bill by striking out all after section 2 and inserting in place thereof the following:

3 Board. Amend RSA 222:2 (supp) as inserted by 1977, 421:1 by striking out said section and inserting in place thereof the following:

222:2 Arborist Board.

I. There shall be an arborist board consisting of 6 members, including the director of forests and lands, the state entomologist, 2 licensed arborists, one qualified plant pathologist, and one public member. The licensed arborists, plant pathologist, and public member shall be appointed by the governor, with the approval of the council, to serve terms of 5 years. Appointments of licensed arborists to the board shall be made from lists of not more than 6 resident licensed arborists submitted by the New Hampshire Arborist Association or equivalent group. The plant pathologist member shall be appointed from a list of not more than 3 qualified plant pathologists submitted by other members of the board. The terms of the director of forests and lands and the state entomologist shall coincide with the terms of their respective offices. Board members shall not be entitled to compensation for their services but may receive reimbursement for their travel and other expenses while engaged in the actual work of the board and shall be paid from moneys appropriated for purposes of this chapter.

II. The public member of the board shall be a person who is not, and never was, an arborist or the spouse of any such person, and who does not have, and never has had, a material financial interest in either the provision of such professional services or an activity directly related thereto, including the representation of the board or profession for a fee at any time during the 5 years preceding appointment.

4 Duties; Rulemaking. Amend RSA 222:3 (supp) as inserted by 1977, 472:1 by striking out said section and inserting in place thereof the following:

222:3 Duties; Rulemaking.

I. The board shall adopt rules, pursuant to RSA 541-A, relative to:

(a) The conduct of disciplinary hearings consistent with the requirements of due process;

(b) Penalties for improper professional conduct of arborists;

(c) The establishment of all fees required to be paid under this chapter;

(d) The establishment of insurance requirements for arborists; and

(e) The regulation of arborists, generally, consistent with constitutional safeguards.

II. The board shall:

(a) Prepare and provide all forms required under this chapter;

(b) Prepare examinations required under this chapter; and

(c) Establish such other policies as are necessary to effect the purposes of this chapter.

5 Repeal. RSA 222:10 relative to the establishment of fees is hereby repealed.

6 Effective Date. This act shall take effect July 1, 1981.

Amendment adopted. Ordered to third reading.

HB 144-FN, relative to sunset review of the board of architects and board of engineers. Ought to pass with amendment. Sen. Conley for the committee.

SEN. CONLEY: This bill came from the House joining the boards of architects and engineers together in one board. After considerable testimony and work with both the engineers and the architects, it became very obvious that the duties of the two are very separate and should not be joined together. Therefore what we have done in HB 144-FN has been to reestablish the board of architects separately and in the next bill coming up, reestablish the board of engineers, separately. We urge passage in this form.

Amendment to HB 144-FN

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Sunset; Board of Architects Renewed. The board of architects, PAU 020604, is hereby renewed to comply with RSA 17-G. The board shall terminate on July 1, 1987, subject to RSA 17-G.

2 Effect of Later Enactments. Passage of this act renewing the board of architects shall not limit any subsequent legislative action affecting this board. The general court shall retain its full power to make amendments to or to terminate the board of architects, pursuant to RSA 17-G:9.

3 New Chapter. Amend RSA by inserting after chapter 310 the following new chapter:

CHAPTER 310-A
ARCHITECTS

310-A:1 Definitions. As used in this chapter:

I. "Architect" means a person who, by reason of having acquired through professional education and practical experience an advanced training in building construction and architectural design and an extensive knowledge of building standards created to safeguard the public from hazards such as fire, panic, structural failure, and unsanitary conditions, is technically and legally qualified to practice architecture and who is licensed by the board or otherwise authorized by this chapter to engage in the practice of architecture.

II. "Architecture" means any professional service or creative work requiring the application of advanced knowledge or architectural design, building construction and standards, and involving the constant exercise of discretion and judgment in such activities as consultation, investigation, evaluation, planning, design or responsible supervision of construction in connection with any public or private buildings, wherein the safeguarding of life, health or property is concerned.

III. "Board" means the board of architects;

I. There shall be a board of architects consisting of 5 members; including 4 architects and one public member, each to be appointed by the governor, with the approval of the council, to a term of 5 years. No member of the board shall be appointed to more than 2 consecutive terms. Only board members provided for in this paragraph shall have the authority to vote in board determinations.

II. Each professional member of the board shall:

- (a) Be a resident of this state;
- (b) Have been engaged in the practice of architecture as his chief means of livelihood for at least 8 years; and
- (c) Have been in responsible charge of important architectural work for at least 5 years, including responsible charge of the teaching of the profession.

III. The public member of the board shall be a person who is not, and never was, a member of the architectural profession or the spouse of any such person, and who does not and

never has had, a material financial interest in either the provision of such professional services or an activity directly related thereto, including the representation of the board or either profession for a fee at any time during the 5 years preceding appointment.

310-A:3 Compensation; Expenses. In addition to any monies received under RSA 310-A:7, members of the board shall receive \$25 for each day actually engaged in the duties of their office and shall be reimbursed for all actual travel, incidental and clerical expenses necessarily incurred in carrying out the provisions of this chapter.

310-A:4 Organization and Meetings. The board shall hold at least 3 regular meetings a year and shall give notice to its members of the time and place for holding all regular and special meetings. A quorum of the board shall consist of not less than 3 members. The board shall biennially elect a chairman from among its members.

310-A:5 Rulemaking Authority.

I. The board shall adopt rules, pursuant to RSA 541-A, relative to:

(a) The application procedure for a license to practice under this chapter;

(b) The qualifications of applicants in addition to those requirements set by statute, and including the qualifications for satisfactory evidence of good professional character;

(c) How an applicant shall be examined, including the time and place of the examination;

(d) How a license to practice under this chapter shall be renewed;

(e) The establishment of all fees required under this chapter;

(f) Ethical and professional standards required to be met by each holder of a license under this chapter and how disciplinary actions by the board shall be implemented for violations of these standards;

(g) Matters related to the proper administration of this chapter;

(h) Procedures for the conduct of hearings consistent with the requirements of due process;

(i) The design of an official seal;

(j) The salary of the board secretary;

(k) Information to be included in the roster published under RSA 310-A:8; and

(1) Application procedures for and issuance of corporate engineering certificates.

II. At least 40 days prior to any hearing to be held pursuant to RSA 541-A:3, I(b); the board shall furnish a copy of any proposed rules of professional conduct, or amendments thereto, to all affected professionals licensed by the board.

310-A:6 Fees. The board shall establish fees for examination of applicants, for licenses, for certificates of authorization, for reissuance of licenses, and for renewal of licenses and certificates to practice under this chapter, and for transcribing and transferring records and other services. The fees established by the board shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the board for the previous fiscal year.

310-A:7 Receipts and Disbursements. There shall be a board secretary who shall receive and account for all moneys derived under the provisions of this chapter, and shall pay the same to the state treasurer who shall keep such moneys in a separate fund to be known as the "Architects' Fund." Such fund shall be kept separate and apart from all other moneys in the treasury, and shall be paid out only for purposes of this chapter. All moneys in the fund are hereby specifically appropriated for the use of the board. The secretary of the board shall receive such salary as the board shall determine in addition to the expenses provided for in RSA 310-A:3. The board may employ such clerical and other assistants as are necessary for the proper performance of its work, and may make expenditures of this fund for any purpose which is reasonably necessary for the proper performance of its duties under this chapter. Under no circumstances shall the total amount of payments made under this section exceed the amount of the fees collected.

310-A:8 Records and Reports.

I. The board shall keep a record of its proceedings and a register of all applications for registration, which register shall show:

- (a) The name, age and residence of each applicant;
- (b) The date of application;
- (c) The place of business of such applicant;
- (d) The applicant's educational and other qualifications;
- (e) Whether or not an examination was required;
- (f) Whether the applicant was rejected;

- (g) Whether a certificate of registration was granted;
- (h) The date of the action of the board; and
- (i) Such other information as may be deemed necessary by the board.

II. The records of the board shall be prima facie evidence of the proceedings of the board, and a transcript thereof certified by the secretary of the board under seal, shall be admissible in evidence with the same force and effect as if the original were produced. Biennially, as of December 31, the board shall submit to the governor a report of the transactions of the preceding biennium, and also shall transmit to him a complete statement of the receipts and expenditures of the board.

310-A:9 Roster. A roster showing the names and places of business of all licensed professionals under this chapter shall be published by the secretary of the board during February of each year. Copies of this roster shall be mailed to each person so licensed, placed on file with the secretary of state and furnished to the public upon request. The board may include in such roster any other information it deems appropriate.

Requirements for Licensure as an Architect

310-A:10 Licensure Required. No person shall practice architecture in this state, except as permitted in RSA 310-A:25, without an architect's license issued under this chapter.

310-A:11 Preliminary Requirements for Licensure as an Architect.

I. The following preliminary requirements shall be considered as minimum evidence satisfactory to the board that an applicant is qualified for licensure to practice architecture in this state:

(a) Applicant shall be at least 21 years of age and shall have graduated from an approved high school or its equivalent; and

(b) Applicant shall hold a professional degree in architecture from an accredited school and have had such diversified practical experience, including academic training, as the board shall deem appropriate, or

(c) In lieu of a professional degree in architecture, the board may accept evidence of additional diversified practical experience, including academic training, as the board shall deem appropriate.

II. The board shall have the discretion to reject an applicant who is not of good professional character, as evidenced by:

(a) Conviction for commission of a felony;

(b) Misstatement of facts by the applicant in connection with his application;

(c) Violation of any of the standards of conduct required of architects as they are set forth in this chapter or in rules adopted by the board; or

(d) Practicing architecture without being licensed in violation of laws of the jurisdiction in which the practice took place.

III. Upon complying with the preliminary requirements set forth in this section, the applicant shall, in order to become licensed, pass written examinations as provided in RSA 310-A:16 and except as otherwise provided in RSA 310-A:18.

310-A:12 Education Credits. The satisfactory completion of each year of an approved curriculum in architecture in a school or college approved by the board, without graduation, shall be considered as equivalent to a year of experience under RSA 310-A:11, I(c). Graduation in a curriculum other than architecture from a college or university of recognized standing may be considered as equivalent to 2 years of experience under RSA 310-A:11, I(c). No applicant shall receive credit for more than 4 years of experience because of undergraduate educational qualifications.

310-A:13 Teaching Credits. In considering the qualifications of applicants, architectural teaching may be construed as architectural experience.

310-A:14 Work as Contractor. The mere execution, as a contractor, of work designed by an architect or the supervision of the construction of such work as a foreman or superintendent shall not be deemed to be experience in architecture.

Licensure

310-A:15 Applications. Applications for licensure shall be on forms prescribed and furnished by the board, shall contain statements made under oath, showing the applicant's education and detailed summary of his technical work, and shall contain not less than 5 references, of whom at least 3 shall be licensed architects having personal knowledge of his professional experience. The board shall establish fees for application and any examination required under this chapter. Should the board deny the issuance of a license to any

applicant, any initial fee deposited shall be retained as an application fee.

310-A:16 Examinations. Written technical examinations in architecture shall be held at least annually at such times and places as the board shall determine. If examinations are required on fundamental subjects, the applicant shall be permitted to take this part of the examination upon completion of the requisite years of professional experience. The board shall issue to each applicant upon successfully passing the examination in fundamental subjects, a certificate stating that he has passed the examination. The scope of the technical and professional examination and the methods of procedure shall be prescribed by the board. A candidate failing an examination may apply for re-examination upon payment of an additional fee determined by the board and shall be re-examined on the next regularly scheduled examination date.

310-A:17 Certificates; Seals. The board shall issue a license upon payment of the registration fee established by the board, to any applicant who, in the opinion of the board, has satisfactorily met all the requirements of this chapter. Licenses shall show the full name of the licensee, have a serial number, and be signed by the chairman and the secretary of the board under seal of the board. The issuance of a license by the board shall be prima facie evidence that the person named therein is entitled to all the rights and privileges of a licensed architect while the license remains valid. Each licensee shall upon licensure obtain a seal of the design authorized by the board, bearing the registrant's name and the legend, "Licensed Architect." All papers or documents involving the practice of a profession under this chapter when issued, or filed for public record, shall be dated and bear the signature and seal of the licensed professional who prepared or approved them. It shall be unlawful for the licensee to stamp or seal any documents with his seal after the license of the licensee named thereon has expired or has been revoked, unless such license shall have been renewed or reissued.

310-A:18 Nonresidents. The board may grant an architect's license to any applicant who is similarly licensed in any other state, provided the other state's licensing requirements are substantially equivalent to or higher than those of this state.

310-A:19 Expiration and Renewals.

I. Licenses and certificates of authorization for corporations and partnerships, including those in effect on the effective date of this chapter shall expire each year on December 31 and shall become invalid on that date unless renewed. The secretary of the board shall notify every person licensed under this chapter, and every corporation and partnership holding a certificate of authorization, of the date of the expiration of his license or certificate, the amount of the fee that shall be required for its renewal for one year and the charges for delayed renewal. Such notice shall be mailed to the licensee or holder of a certificate at the last known address at least one month in advance of the date of the expiration of his license or certificate. Renewal may be effected at any time during the month of December by the payment of the normal renewal fee as determined by the board. The failure on the part of any licensee or certificate holder to renew a certificate annually in the month of December shall not deprive such person or entity of the right of renewal but the fee to be paid for the renewal of a license or certificate after the month of December and before the first day of May of the following year shall be $1\frac{1}{2}$ times the normal renewal fee, and, on and after said first day of May the fee to be paid shall be twice the normal renewal fee. The right of renewal shall be limited to a period of 2 years from the date of expiration of a license or certificate. After this period the license or certificate of a former licensee or certificate holder shall become void, but may be reinstated by the board after reapplication, payment of a fee, and approval of the board. The board, at its discretion, may re-examine such former licensee.

II. All holders of licenses issued pursuant to this chapter shall advise the board of all assumed names, trade names and service marks used in connection with furnishing professional services in this state and shall at all times keep on file with the board a list of all names and marks used in connection with such business and changes or revisions therein.

310-A:20 Disciplinary Action.

I. The board may undertake disciplinary proceedings:

- (a) Upon its own initiative; or
- (b) Upon written complaint of any person which charges that a person licensed by the board has committed miscon-

duct under paragraph II and which specified the grounds therefor.

II. Misconduct sufficient to support disciplinary proceedings under this section shall include:

(a) The practice of fraud or deceit in procuring or attempting to procure a certificate to practice under this chapter;

(b) Conviction of a felony or any offense involving moral turpitude;

(c) Any unprofessional conduct, or dishonorable conduct unworthy of, and affecting the practice of the profession;

(d) Unfitness or incompetency by reason of negligent habits or other causes; or negligent, or willful acts performed in a manner inconsistent with the interests of persons relying on the expertise of the licensee;

(e) Addiction to the use of alcohol or other habit-forming drugs to a degree which renders him unfit to practice under this chapter;

(f) Mental or physical incompetency to practice under this chapter;

(g) Willful or repeated violation of the provisions of this chapter; or

(h) Suspension or revocation of a license, similar to one issued under this chapter, in another jurisdiction and not reinstated.

310-A:21 Hearings.

I. The board shall take no disciplinary action without a hearing. At least 14 days prior to hearing, both parties to a disciplinary proceeding shall be served, either personally or by registered mail, with a written copy of the complaint filed and notice of the time and place for hearing. All complaints shall be objectively received and fairly heard by the board, but no complaint shall be acted upon unless in writing. A hearing shall be held on all written complaints received by the board within 3 months of the date notice of a complaint was received by the accused, unless otherwise agreed to by the parties. Written notice of all disciplinary decisions made by the board shall be given to both parties to the proceeding upon their issuance.

II. The board may subpoena witnesses and compel their attendance, and also may require the production of books, papers and documents in a case involving the revocation of registration. Any member of the board may administer oaths

or affirmations to witnesses appearing before the board. Any person failing or refusing to obey the subpoena or order of the board may be proceeded against in the same manner as for refusal to obey any other subpoena.

310-A:22 Reissuance of Licenses. The board, for reasons it may deem sufficient, may reissue a license to any person whose license has been suspended or revoked, provided 3 or more members of the board vote in favor of such reissuance. A new license may be issued, subject to the rules of the board, and a charge shall be made for such issuance.

310-A:23 Violations.

I. It shall be a misdemeanor for any natural person or a felony for any other person to:

(a) Present or attempt to use the license or seal of another as his own;

(b) Give any false or forged evidence of any kind to the board or to any member thereof in obtaining a license;

(c) Falsely impersonate any other licensee of like or different name;

(d) Attempt to use an expired or revoked license;

(e) Violate any of the provisions of this chapter.

II. It shall be the duty of all duly constituted officers of the law of this state, or any political subdivision thereof, to enforce the provisions of this chapter and to prosecute any persons violating same.

310-A:24 Restraint of Violations. The superior court shall have jurisdiction in equity to restrain violations of RSA 310-A:23 on proceedings brought by the attorney general, the board or any society of licensed architects duly incorporated under the laws of this state.

310-A:25 Exemptions. Nothing in this chapter shall be construed to prevent:

I. The preparation of drawings and specifications for and the supervision of the construction or alteration of a single-family or two-family residence or of any building used for farm purposes;

II. The alteration of an existing building not involving structural changes; or

III. The practice of architecture by officers and employees of the United States while engaged within the state in the practice of architecture for the federal government.

4 Persons Registered Under Previous Law. Nothing in this act shall be construed to in any manner limit the practice of architecture by a person registered under previous law so long as such registration remains valid under the provisions of that prior law.

5 Effect of Prior Rules. This act shall not affect the orders and rules previously made or adopted by the board of registration for architects.

6 Effect on Prior Actions or Proceedings. This act shall not affect any action or proceeding brought by or against the board of registration for architects which is pending on the effective date of this act.

7 Repeal. RSA 310 relative to architects is hereby repealed.

8 Effective Date. This act shall take effect July 1, 1981.

Amendment adopted. Ordered to third reading.

SB 402-FN (HB 150-FN), relative to sunset review of the board of engineers. Ought to pass with amendment. Sen. Conley for the committee.

SEN. CONLEY: This is the technical way that we have to go in order to get a bill reestablished. HB 150 came to us eliminating the board of engineers and we have used the mechanism of SB 402-FN to reestablish the board of engineers as a separate entity. We urge passage.

Amendment to SB 402-FN

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Sunset; Board of Engineers Renewed. The board of engineers, PAU 020614, is hereby renewed to comply with RSA 17-G. The board shall terminate on July 1, 1987, subject to RSA 17-G.

2 Effect of Later Enactments. Passage of this act renewing the board of engineers shall not limit any subsequent legislative action affecting this board. The general court shall retain its full power to make amendments to or to terminate the board of engineers, pursuant to RSA 17-G:9.

3 New Chapter. Amend RSA by inserting after chapter 319-C the following new chapter:

CHAPTER 319-D ENGINEERS

319-D:1 Definitions. As used in this chapter:

I. "Board" means the board of engineers.

II. "Engineer" means a person who by reason of his advanced knowledge of mathematics and the physical sciences, acquired by professional education and practical experience, is technically and legally qualified to practice professional engineering, and who is licensed by the board or otherwise authorized by this chapter to engage in the practice of engineering.

III. "Engineering" means any professional service or creative work requiring education, training, experience, and the application of advanced knowledge of mathematics and physical sciences, involving the constant exercise of discretion and judgment, to such services or work as consultation, investigation, evaluation, planning, design, responsible supervision of construction, and responsible supervision of operation, in connection with any public or private utilities, structures, buildings, machines, equipment, processes, works, or projects, wherein the public welfare, or the safeguarding of life, health or property is concerned.

319-D:2 Board Established.

I. There shall be a board of engineers consisting of 5 members; including 4 engineers and one public member, each to be appointed by the governor, with the approval of the council, to a term of 15 years. No member of the board shall be appointed to more than 2 consecutive terms. Only board members provided for in this paragraph shall have the authority to vote in board determinations.

II. Each professional member of the board shall:

(a) Be a resident of this state;

(b) Have been engaged in the practice of engineering as his chief means of livelihood for at least 8 years; and

(c) Have been in responsible charge of important engineering work for at least 5 years, including responsible charge of the teaching of the profession.

III. The public member of the board shall be a person who is not, and never was, a member of the engineering profession

or the spouse of any such person, and who does not have and never has had a material financial interest in either the provision of such professional services or an activity directly related thereto, including the representation of the board or profession for a fee at any time during the 5 years preceding appointment.

319-D:3 Compensation; Expenses. In addition to any moneys received under RSA 391-D:7, members of the board shall receive \$25 for each day actually engaged in the duties of their office and shall be reimbursed for all actual travel, incidental and clerical expenses necessarily incurred in carrying out the provisions of this chapter.

319-D:4 Organization and Meetings. The board shall hold at least 3 regular meetings a year and shall give notice to its members of the time and place for holding all regular and special meetings. A quorum of the board shall consist of not less than 3 members. The board shall biennially elect a chairman from among its members.

319-D:5 Rulemaking Authority.

I. The board shall adopt rules, pursuant to RSA 541-A, relative to:

(a) The application procedure for a license to practice under this chapter;

(b) The qualifications of applicants in addition to those requirements set by statute, and including the qualifications for satisfactory evidence of good professional character;

(c) How an applicant shall be examined, including the time and place of the examination;

(d) How a license to practice under this chapter shall be renewed, including the requirements for continuing education;

(e) The establishment of all fees required under this chapter;

(f) Ethical and professional standards required to be met by each holder of a license under this chapter and how disciplinary actions by the board shall be implemented for violations of these standards;

(g) Matters related to the proper administration of this chapter;

(h) Procedures for the conduct of hearings consistent with the requirements of due process;

(i) The design of an official seal;

(j) The salary of the board secretary;

(k) Information to be included in the roster published under RSA 319-D:8; and

(l) Application procedures for and issuance of corporate engineering certificates.

II. At least 40 days prior to any hearing to be held pursuant to RSA 541-A:3, I(b); the board shall furnish a copy of any proposed rules of professional conduct, or amendments thereto, to all affected professionals licensed by the board.

319-D:6 Fees. The board shall establish fees for examination of applicants, for licenses, for certificates of authorization, for reissuance of licenses, and for renewal of licenses and certificates to practice under this chapter, and for transcribing and transferring records and other services. The fees established by the board shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the board for the previous fiscal year.

319-D:7 Receipts and Disbursements. There shall be a board secretary who shall receive and account for all moneys derived under the provisions of this chapter, and shall pay the same to the state treasurer who shall keep such moneys in a separate fund to be known as the "Engineers' Fund." Such fund shall be kept separate and apart from all other moneys in the treasury, and shall be paid out only for purposes of this chapter. All moneys in the fund are hereby specifically appropriated for the use of the board. The secretary of the board shall receive such salary as the board shall determine in addition to the expenses provided for in RSA 319-D:3. The board may employ such clerical and other assistants as are necessary for the proper performance of its work, and may make expenditures from this fund for any purpose which is reasonably necessary for the proper performance of its duties under this chapter. Under no circumstances shall the total amount of payments made under this section exceed the amount of the fees collected.

319-D:8 Records and Reports.

I. The board shall keep a record of its proceedings and a register of all applications for licenses, which register shall show:

- (a) The name, age and residence of each applicant;
- (b) The date of application;
- (c) The place of business of such applicant;
- (d) The applicant's educational and other qualifications;

- (e) Whether or not an examination was required;
- (f) Whether the applicant was rejected;
- (g) Whether a license was granted;
- (h) The date of the action of the board; and
- (i) Such other information as may be deemed necessary by the board.

II. The records of the board shall be prima facie evidence of the proceedings of the board, and a transcript thereof certified by the secretary of the board under seal shall be admissible in evidence with the same force and effect as if the original were produced. Biennially, as of December 31, the board shall submit to the governor a report of the transactions of the preceding biennium, and shall transmit to him a complete statement of the receipts and expenditures of the board.

319-D:9 Roster. A roster showing the names and places of business of all engineers licensed under this chapter shall be published by the secretary of the board during February of each year. Copies of this roster shall be mailed to each person so licensed, placed on file with the secretary of state, and furnished to the public upon request. The board may include in such roster any other information it deems appropriate.

Requirements for Licensure as an Engineer

319-D:10 Licensure Required. No person shall practice engineering in this state, except as permitted in RSA 319-D:26, without an engineer's license issued under this chapter.

319-D:11 General Requirements for Licensure as an Engineer. The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for licensure as an engineer:

I. Graduation from an approved engineering curriculum of 4 years or more, as approved by the board; the successful passing of an examination in fundamental engineering subjects; and a specific record of an additional 4 years or more of experience in engineering work of a character satisfactory to the board. In a case in which the evidence of experience presented in the application does not appear to the board conclusive or warranting the issuance of a license, the applicant may be required to present further evidence for the consideration of the board.

II. Successfully passing a written examination designed to show knowledge and skill approximating that attained through

graduation from an approved engineering curriculum and a specific record of 8 years or more of experience in engineering work of a character satisfactory to the board.

III. A specific record of 15 years or more of practice in professional engineering of a character satisfactory to the board, of which at least 5 years shall have been in responsible charge of engineering work, and indicating that the applicant is qualified to design and to take responsible charge of construction of engineering works; provided that the applicant is not less than 40 years of age. In a case in which the evidence presented in the application does not appear to the board conclusive or warranting the issuance of a license, the applicant may be required to pass an oral or written examination, or both, as the board may determine. When an applicant presents evidence of outstanding qualifications for licensure, the board may, by unanimous vote of all members, waive the above requirements relating to age and total years of practice, but in no case shall an applicant be licensed without examination under this section who is less than 33 years of age with a specific record of less than 10 years of practice in professional engineering work of a character satisfactory to the board.

319-D:12 Character. No person shall be eligible for licensure as a professional engineer who is not of good professional character.

319-D:13 Teaching Credits. In considering the qualifications of applicants, engineering teaching may be construed as engineering experience.

319-D:14 Education Credits. The satisfactory completion of each year of an approved curriculum in engineering in a school or college approved by the board as of satisfactory standing, without graduation, shall be considered as equivalent to a year of experience under RSA 319-D:11, II and III. Graduation in a curriculum other than engineering, but in a related field, from a college or university of recognized standing may be considered as equivalent to 2 years of experience under RSA 319-D:11, II and III; provided, however, that no applicant shall receive credit for more than 4 years of experience because of undergraduate educational qualifications. In counting years of experience, the board, at its discretion, may give credit not in excess of one year for satisfactory graduate study in engineering.

Licensure

319-D:15 Applications. Applications for licensure shall be on forms prescribed and furnished by the board, shall contain statements made under oath, showing the applicant's education and a detailed summary of his technical work, and shall contain not less than 5 references, of whom at least 3 shall be licensed engineers having personal knowledge of his professional experience. The board shall establish fees for application and any examination required under this chapter. If the board denies the issuance of a license to any applicant, any initial fee deposited shall be retained as an application fee.

319-D:16 Examinations. Written technical examinations in engineering shall be held at least annually at such times and places as the board shall determine. If examinations are required on fundamental subjects, the applicant shall be permitted to take this part of the examination upon completion of the requisite years of professional experience. The board shall issue to each applicant, upon successfully passing the examination in fundamental subjects, a certificate stating that he has passed the examination. The scope of the technical and professional examination and the methods of procedure shall be prescribed by the board. A candidate failing an examination may apply for re-examination upon payment of an additional fee determined by the board and shall be re-examined on the next regularly scheduled examination date.

319-D:17 Certificates; Seals. The board shall issue a license, upon payment of the registration fee established by the board, to any applicant who, in the opinion of the board, has satisfactorily met all the requirements of this chapter. Licenses shall show the full name of the licensee, have a serial number, and be signed by the chairman and the secretary of the board under seal of the board. The issuance of a license by the board shall be prima facie evidence that the person named in the license is entitled to all the rights and privileges of a licensed engineer while the license remains valid. Each licensee shall upon licensure obtain a seal of the design authorized by the board, bearing the registrant's name and the legend, "Licensed Engineer." All papers or documents involving the practice of engineering under this chapter, when issued or filed for public record, shall be dated and bear the signature and seal

of the licensed engineer who prepared or approved them. It shall be unlawful for the licensee to stamp or seal any documents with his seal after his license has expired or has been revoked, unless such license shall have been renewed or reissued.

319-D:18 Nonresidents. The board may grant an engineer's license to any applicant who is similarly licensed in any other state, provided that the other state's licensing requirements are substantially equivalent to or higher than those of this state.

319-D:19 Corporate Engineering Certificates.

I. The practice of or offer to practice professional engineering for others by individual engineers licensed under this chapter through a corporation as officers, employees, or agents or through a partnership as partners, employees or agents, is permitted, subject to the provisions of this chapter; provided that:

(a) One or more of the corporate officers of a corporation or one or more of the general partners of a partnership is designated as being responsible for the engineering activities and engineering decisions of the corporation or partnership, respectively, and is a licensed engineer under this chapter;

(b) All personnel of the corporation or partnership who act in its behalf as professional engineers are licensed under this chapter; and

(c) The corporation or partnership has been issued a certificate of authorization by the board, as provided in this section.

II. The requirements of this chapter shall not affect either a partnership or a corporation and its respective employees in performing services for such partnership or corporation or its subsidiary or affiliated corporations. All final drawings, specifications, plans, reports, or other engineering papers or documents involving the practice of engineering, when issued or filed for public record, shall be dated, and bear the signature and seal of the professional engineer who prepared them or under whose direct supervisory control they were prepared.

III. A corporation desiring a certificate of authorization shall file with the board an application, using a form provided by the board, listing the names and addresses of all officers and board members of the corporation, and also of any individuals duly licensed to practice engineering in this state who shall be in responsible charge of the practice of engineering

in this state through the corporation, and any other information required by the board. The same form, giving the same information, must accompany the annual renewal fee. If there is a change in any of these persons during the year, such change shall be designated on the same form and filed with the board within 30 days after the effective date of such change. If all requirements of this section are met, the board shall issue a certificate of authorization to such corporation, and such corporation shall be authorized to contract for and to collect fees for furnishing engineering services.

IV. A partnership desiring a certificate of authorization shall file with the board an application, using a form provided by the board, listing the names and addresses of all partners, both general and limited, and also of any individuals duly licensed to practice professional engineering in this state who shall be in responsible charge of the practice of engineering in this state through said partnership, and other information required by the board. The same form, giving the same information, must accompany the annual renewal fee. If there is a change in any of these persons during the year, such change shall be designated on the same form and filed with the board within 30 days after the effective date of such change. If all of the requirements of this section are met, the board shall issue a certificate of authorization to such partnership and such partnership shall be authorized to contract for and to collect fees for furnishing professional engineering services.

V. No such corporation or partnership shall be relieved of responsibility for the conduct or acts of its agents, employees, officers or partners by reason of its compliance with the provisions of this section, nor shall any individual practicing professional engineering be relieved of responsibility for professional engineering services performed by reason of his employment by or relationship with such corporation or partnership.

VI. The secretary of state shall not issue a certificate of incorporation to an applicant for incorporation or for registration as a foreign corporation or a foreign partnership which includes the words "Engineer" or "Engineering" or any modification or derivative thereof in its corporate or business name or which includes the practice of engineering among the objects for which it is established unless the board shall have issued with respect to such applicant, a certificate of authorization

or eligibility for authorization, a copy of which shall have been presented to the secretary of state. Similarly, the secretary of state after a reasonable transition period shall decline to register any tradename or service mark which includes such words or modifications or derivatives thereof in its firm or business name except to partnerships, sole proprietorships and associations holding certificates or registration or authorization issued under the provisions of this chapter, a copy of which shall likewise have been presented to the secretary of state.

VII. An engineer who renders occasional, part-time or consulting engineering services to or for a corporation, partnership or association may not, for the purposes of this chapter, be designated as being responsible for the engineering activities and decisions of such corporation, partnership or association.

319-D:20 Expiration and Renewals.

I. Licenses and certificates of authorization for corporations and partnerships, including those in effect on the effective date of this chapter, shall expire each year on December 31 and shall become invalid on that date unless renewed. The secretary of the board shall notify every person licensed under this chapter, and every corporation and partnership holding a certificate of authorization, of the date of the expiration of the license or certificate, the amount of the fee that shall be required for its renewal for one year and the charges for delayed renewal. Such notice shall be mailed to the licensee or holder of a certificate at the last known address at least one month in advance of the date of the expiration of the license or certificate. Renewal may be effected at any time during the month of December by the payment of the normal renewal fee as determined by the board. The failure on the part of any licensee or certificate holder to renew a license or certificate annually in the month of December shall not deprive such person or entity of the right of renewal but the fee to be paid for the renewal of a license or certificate after the month of December and before the first day of May of the following year shall be $1\frac{1}{2}$ times the normal renewal fee, and, on and after the first day of May the fee to be paid shall be twice the normal renewal fee. The right of renewal shall be limited to a period of 2 years from the date of expiration of a license or certificate. After this period the license or certificate of a former licensee or certificate holder shall become void, but may be reinstated

by the board after reapplication, payment of a fee, and approval of the board. The board, at its discretion, may re-examine such former licensee.

II. All holders of licenses issued pursuant to this chapter shall advise the board of all assumed names, trade names and service marks used in connection with furnishing professional services in this state and shall at all times keep on file with the board a list of all names and marks used in connection with such business and changes or revisions therein.

319-D:21 Disciplinary Action.

I. The board may undertake disciplinary proceedings:

(a) Upon its own initiative; or

(b) Upon written complaint of any person which charges that a person licensed by the board has committed misconduct under paragraph II and which specified the grounds therefor.

II. Misconduct sufficient to support disciplinary proceedings under this section shall include:

(a) The practice of fraud or deceit in procuring or attempting to procure a certificate to practice under this chapter;

(b) Conviction of a felony or any offense involving moral turpitude;

(c) Any unprofessional conduct, or dishonorable conduct unworthy of, and affecting the practice of the profession;

(d) Unfitness or incompetency by reason of negligent habits or other causes; or negligent, or willful acts performed in a manner inconsistent with the interests of persons relying on the expertise of the licensee;

(e) Addiction to the use of alcohol or other habit-forming drugs to a degree which renders him unfit to practice under this chapter;

(f) Mental or physical incompetency to practice under this chapter;

(g) Willful or repeated violation of the provisions of this chapter; or

(h) Suspension or revocation of a license, similar to one issued under this chapter, in another jurisdiction and not reinstated.

319-D:22 Hearings.

I. The board shall take no disciplinary action without a hearing. At least 14 days prior to hearing, both parties to a disciplinary proceeding shall be served, either personally or by registered mail, with a written copy of the complaint filed

and notice of the time and place for hearing. All complaints shall be objectively received and fairly heard by the board, but no complaint shall be acted upon unless it is in writing. A hearing shall be held on all written complaints received by the board within 3 months of the date notice of a complaint was received by the accused, unless otherwise agreed to by the parties. Written notice of all disciplinary decisions made by the board shall be given to both parties to the proceeding upon their issuance.

II. The board may subpoena witnesses and compel their attendance, and may require the production of books, papers and documents in a case involving the revocation of registration. Any member of the board may administer oaths or affirmations to witnesses appearing before the board. Any person failing or refusing to obey the subpoena or order of the board may be proceeded against in the same manner as for refusal to obey any other subpoena.

319-D:23 Reissuance of Licenses. The board, for reasons it deems sufficient, may reissue a license to any person whose license has been suspended or revoked, provided 3 or more members of the board vote in favor of such reissuance. A new license may be issued, subject to the rules of the board, and a charge shall be made for such issuance.

319-D:24 Violations.

I. It shall be a misdemeanor for any natural person or a felony for any other person to:

(a) Present or attempt to use the license or seal of another as his own;

(b) Give any false or forged evidence of any kind to the board or to any member thereof in obtaining a license;

(c) Falsely impersonate any other licensee of like or different name;

(d) Attempt to use an expired or revoked license;

(e) Violate any of the provisions of this chapter.

II. It shall be the duty of all duly constituted officers of the law of this state, or any political subdivision thereof, to enforce the provisions of this chapter and to prosecute any persons violating same.

319-D:25 Restraint of Violations. The superior court shall have jurisdiction in equity to restrain violations of RSA 310-A:30 on proceedings brought by the attorney general,

the board or any society of licensed architects or engineers duly incorporated under the laws of this state.

319-D:26 Exemptions. Nothing in this chapter shall be construed to prevent:

I. The practice of engineering by a person not a resident of and having no established place of business in this state in connection with, or on account of, engineering work or construction being carried on, or to be carried on, in this state when such practice, wherever performed, does not exceed in the aggregate more than 30 days in any calendar year; provided such person is legally qualified to practice the profession in his own state or country in which the requirements and qualifications for obtaining a license are not lower than those specified in this chapter. Practice for any portion of a day shall be deemed to be performed for a whole day and days of practice shall be measured consecutively from the first day to, and including, the last day of each engagement on which such person or his agent performs or has an obligation to perform engineering;

II. The work of an employee or a subordinate of a person holding an engineering license under this chapter, or an employee of a person practicing lawfully under paragraph I; provided such work does not include final designs or decisions and is done under the direct responsibility, checking, and supervision of a person holding an engineering license under this chapter or a person practicing lawfully under paragraph I;

III. The practice of officers and employees of the government of the United States while engaged within this state in the practice of professional engineering, for the federal government; or

IV. The practice of architecture by a duly licensed architect.

4 Persons Registered Under Previous Law. Nothing in this act shall be construed to in any manner limit the practice of engineering by a person registered under previous law so long as such registration remains valid under the provisions of that prior law.

5 Effect of Prior Rules. This act shall not affect the orders and rules previously made or adopted by the board of registration for engineers.

6 Effect on Prior Actions or Proceedings. This act shall not affect any action or proceeding brought by or against the board

of registration for engineers which is pending on the effective date of this act.

7 Repeal. RSA 319 relative to engineers is hereby repealed.

8 Effective Date. This act shall take effect July 1, 1981.

Amendment adopted. Ordered to third reading.

HB 160-FN, relative to sunset review of veterinary examiners. Ought to pass with amendment. Sen. Conley for the committee.

SEN. CONLEY: Again HB 160-FN changed the number of board members on the examining board. We have reestablished it to the original situation at the request of the board of examiners because it is imperative that the number six be involved in the examinations as they are drawn up by the veterinary board of examiners. So we urge the passage of HB 160-FN with amendment.

Amendment to HB 160-FN

Amend RSA 332-B:3, I as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

I. There shall be a board of veterinary medicine consisting of 6 members; including 5 veterinarians and one public member, each to be appointed by the governor, with the approval of the council, to a term of 5 years. No member of the board shall be appointed to 2 consecutive terms. Only board members provided for in this paragraph shall have the authority to vote in board determinations.

Amend RSA 332-B:7, III as inserted by section 5 of the bill by striking out same and inserting in place thereof the following:

III. Establish fees for examination of applicants, for licenses and for renewal of licenses to practice veterinary medicine, and for transcribing and transferring records and other services. The fees established by the board shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the board for the previous fiscal year.

Amend RSA 332-B:11 as inserted by section 8 of the bill by striking out same and inserting in place thereof the following:

332-B:11 Reciprocity. The board may issue a license without written examination, if the following conditions are met:

I. The applicant furnishes satisfactory proof that he is a graduate of an accredited veterinary school.

II. The applicant has been lawfully licensed to practice veterinary medicine, surgery, and dentistry in another state or territory which maintains a standard for the practice of veterinary medicine, surgery, and dentistry which is substantially the same as that maintained in this state.

III. The applicant has been lawfully and continuously engaged in the practice of veterinary medicine, surgery, and dentistry for 5 years or more immediately before filing his application to practice in this state.

IV. The applicant shall submit to the director a duly attested certificate from the examining board of the state or territory in which he is registered, certifying that the fact of his registration and of his being a person of good professional character and attainment.

V. The applicant shall pay a fee set under RSA 332-B:7-a.

VI. The state or territory from which the certificate has been granted to the applicant shall extend a like privilege to engage in the practice of veterinary medicine, surgery, and dentistry within its own borders to veterinarians licensed by New Hampshire who move there. The board may enter into reciprocal relations with other states whose requirements are substantially the same as those provided in this chapter. The board shall make recommendations to the director upon all requests for reciprocity.

VII. The board may orally or practically examine any person qualifying for licensing under RSA 332-B:11.

Amend RSA 332-B:14, II(d) through (h) as inserted by section 9 of the bill by striking out same and inserting in place thereof the following:

(d) Unfitness or incompetency by reason of negligent habits or other causes; or negligent or willful acts performed in a

manner inconsistent with the health or safety of animals under the care of the licensee;

(e) Addiction to the use of alcohol or other habit-forming drugs to a degree which renders him unfit to practice under this chapter;

(f) Mental or physical incompetency to practice under this chapter;

(g) Willful or repeated violation of the provisions of this chapter;

(h) Suspension or revocation of a license, similar to one issued under this chapter, in another jurisdiction and not reinstated;

(i) The use of advertising or solicitation which is false, misleading, or fraudulent or is otherwise deemed unprofessional under rules adopted by the board;

(j) Having professional association with or employing any person practicing veterinary medicine unlawfully;

(k) Fraud or dishonesty in the application or reporting of any test disease in animals;

(l) Failure to keep the veterinary premises and equipment in a clean and sanitary condition;

(m) Failure to report as required by law, or making false report of an contagious or infectious disease;

(n) Dishonesty or gross negligence in the inspection of foodstuffs or the issuance of health or inspection certificates;

(o) Cruelty to animals; or

(p) Unprofessional conduct as defined in rules adopted by the board.

Amend the bill by inserting after section 10 the following new sections and renumbering the existing sections 11, 12, and 13 to read as 13, 14 and 15, respectively:

11 Staff. Amend RSA 332-B:7 by inserting after paragraph V the following new paragraphs:

V-a. With the approval of the attorney general and the governor and council, compensate the board's counsel, assistants and investigators appointed in connection with its activities under RSA 332-B:14, 15, 16, 17, 18, and 19, on warrant of the governor out of any money in the treasury not otherwise appropriated. Any sums so expended shall be included

in the computation of fees established for the subsequent fiscal year under RSA 332-B:7, III.

12 Emergency Suspension. Amend RSA 332-B by inserting after section 15 the following new section:

332-B:15-a Emergency Suspension.

I. The board may immediately suspend a veterinarian's license if the board determines that the public health, safety, or welfare requires emergency action.

II. If the board suspends a license under this section, the board shall provide the person with a prompt hearing, according to RSA 332-B:15.

Amendment adopted. Ordered to third reading.

HB 156-FN, relative to sunset review of board of psychologists. Ought to pass with amendment. Sen. Conley for the committee.

Sen. Podles moved to lay HB 156-FN on the table.

Adopted.

SB 403-FN (HB 142-FN), relative to sunset review of alarm installers. Ought to pass with amendment. Sen. Conley for the committee.

SEN. CONLEY: We have HB 142-FN, the elimination of the board of review of alarm installers. We are asking that they be set back in as a separate board under SB 403-FN. We had testimony from the police department of Manchester indicating that this board is their only way of keeping track of those people who are involved in the major installations of burglar alarms as well as fire alarms. This bill does not refer to the installation of smoke detectors, etc., in one or two family dwellings. It has to do basically with the installation of all kinds of alarm systems in major public buildings, hospitals, federal buildings, state buildings, and whatever. They do require specific kinds of technology involved. Therefore the committee has asked that the Senate go along with SB 403-FN, reestablishing the alarm installers board.

Amendment to SB 403-FN (HB 142-FN)

Amend the bill by striking out all after section 2 and inserting in place thereof the following:

3 Definitions. Amend 323-A:1, VI (supp) as inserted by 1975, 181:1 by striking out said paragraph and inserting in place thereof the following:

VI. "Senior technician" means any person employed by an alarm installer who is capable of installing an alarm system or who supervises the installation of an alarm system.

VII. "Unskilled technician" means any person engaged in learning and assisting in making alarm installations under the direct supervision of a registered senior technician.

4 Board; Rulemaking. Amend RSA 323-A:3 (supp) as inserted by 1973, 457:1 by striking out said section and inserting in place thereof the following:

323-A:3 Board Established.

I. There shall be a state board of alarm installers consisting of 5 members, including 3 licensed alarm installers, one police or fire officer, and one public member, appointed by the governor with the advice and consent of the council to serve terms of 5 years. No member shall serve more than 2 consecutive terms. All terms shall expire on March 1 of the appropriate year.

II. A police or fire officer appointed to the board shall be one whose function, within his respective jurisdiction, is to approve alarm systems. A public member of the board shall be a person who is not, and never was, a member of the alarm installing profession or the spouse of any such person, and who does not and never has had, a material financial interest in either the provision of such professional services or an activity directly related thereto, including the representation of the board or profession for a fee at any time during the 5 years preceding appointment.

III. The board shall annually elect a chairman and secretary-treasurer from among its members.

IV. Board members shall be compensated at the rate of \$45 per day for each day actually spent in the pursuit of official duties under this chapter.

323-A:3-a Rulemaking. The board shall adopt understandable and reasonable rules, pursuant to RSA 541-A, relative to:

I. Professional performance standards and codes of ethics so as to insure professional competence in the installation of alarms and protect the public health, safety, and welfare;

II. The amount and type of experience and training required to qualify an applicant for licensure or senior technician registration; and

III. The professional discipline of alarm installers.

5 License Required. Amend RSA 323-A:4 (supp) as inserted by 1973, 457:1 by striking out said section and inserting in place thereof the following:

323-A:4 License Required. Any person engaging in or offering to engage in the installation of alarms in this state shall hold a current and valid license issued by the board. Licensed alarm installers shall employ at least one registered senior technician and may employ unskilled technicians. Persons installing alarms without a license shall be held in violation of this chapter and subject to the penalty provided under RSA 323-A:11.

6 Suspension and Revocation. Amend RSA 323-A:7 (supp) as inserted by 1973, 457:11 by striking out said section and inserting in place thereof the following:

323-A:7 Suspension and Revocation of Licenses.

I. A license may be suspended or revoked for a maximum of 7 years. Any person desiring reinstatement shall file an application with the board pursuant to RSA 323-A:5.

II. A license may be suspended, revoked or denied for one or more of the following reasons:

(a) Failure to meet qualifications;

(b) Conviction of a felony;

(c) Willful violation of this chapter;

(d) Acts of bad faith or misrepresentation resulting in conviction in a court of law;

(e) Repeated breaches of contract resulting in lawsuits; or

(f) Unethical conduct which in the judgment of the board is reprehensible against the public welfare and protection.

III. No license shall be denied, suspended or revoked until 5 days after issuance of a notice in writing, delivered by certified mail to the licensee or applicant stating the grounds of the proposed action, and the holding of a public hearing at which he shall have the opportunity to be heard, to present testimony in his behalf, and to be confronted by witnesses against him. An applicant or licensee may be represented by

legal counsel and may appeal the decision of the board to the superior court.

7 Licensure Requirements. Amend RSA 323-A:8 (supp) as inserted by 1973, 457:1 by striking out said section and inserting in place thereof the following:

323-A:8 Licensure Requirements.

I. The board shall investigate an applicant's trustworthiness and competence to operate on the properties of other persons and to provide safeguards from the hazards of fire, illegal intrusion, burglary, hold-up, explosion or other industrial or commercial hazard or process.

II. Each applicant shall employ at least one registered senior technician, or hold a senior technician's identification card himself.

8 Senior Technician. Amend RSA 323-A:8-a (supp) as inserted by 1975, 181:5 as amended by striking out said section and inserting in place thereof the following:

323-A:8-a Registration of Senior Technicians. All senior technicians shall register with the board prior to installing or supervising the installation of any alarm system. A senior technician shall be registered with the board through his licensed employer as follows:

I. The applicant shall apply to the board, on a form prescribed by the board, and submit a \$25 registration fee. A senior technician shall renew his technician's registration every year and the fee shall be \$5 for each renewal.

II. The board shall require that an applicant for registration as a senior technician serve at least one year as an unskilled technician and take an examination to measure his technical competence in the installation of alarm systems.

III. The board shall randomly test registered senior technicians to assure their ability to continue as a registered senior technician.

IV. The board shall require a registered senior technician to attend an approved course of continuing education each year.

V. The board shall investigate each applicant and shall register a qualified applicant and issue an identification card to him which shall be carried whenever employed in the installation or supervision of the installation of alarm systems.

VI. Upon termination of employment, the senior technician shall surrender his identification card to the board through his employer within 10 days of termination.

9 Exemptions. Amend RSA 323-A:10 (supp) as inserted by 1973, 457:1 by striking out said section and inserting in place thereof the following:

323-A:10 Exemptions. This chapter shall not apply to:

I. Telephone companies installing portions or elements of an alarm communicating system;

II. Public utilities supplying power to alarm systems;

III. Municipal, state, or town employees servicing, or installing traffic control systems, fire alarm systems or central office burglar alarm equipment in public buildings;

IV. The manufacture testing, repairing or demonstration of alarm components;

V. Individuals installing alarm systems in their own place of residence without the help of outside labor; or

VI. Licensed electricians installing single or multiple station alternating current smoke detectors in single and 2 family residences.

10 Repeal. RSA 323-A:9 relative to the disposition of funds is hereby repealed.

11 Effective Date. This act shall take effect July 1, 1981.

Amendment adopted. Ordered to third reading.

HB 876-FN, establishing a legislative committee to draft a code of ethics for appointed and elected public officials. Interim Study. Sen. Conley for the committee.

SEN. CONLEY: We had a good hearing on HB 876-FN, however, we indicated to the sponsor that there were several flaws in the bill. This bill is essentially to come up with a code of ethics, however our concern was that there was some ambiguity in the pronouncement of who this committee would be regulating and who they would be looking at. Our other concern was that the Chairman of the committee, by virtue of the bill, had to be from the House of Representatives and it only covered state officials elected and appointed, and the policy of the Senate has been with this kind of bill, that if you are going to talk about ethics, you go to all elected or appointed officials of the state. Therefore we are asking that

this bill be sent to interim study so that we can develop the proper methodology for accomplishing the purpose.

SEN. SPLAINE: I wonder what the real logic is of sending this to interim study committee when we are really talking about creating a Legislative Committee to put this together?

SEN. CONLEY: Because the wording of the committee, Sen. Splaine, limited it only in it's first instance to members of the Senate, therefore we also requested that there be a redrafting to incorporate all state level officials as well as local officials. The drafting came back inappropriate and therefore we felt that by sending it to interim study we could come up with something that would be appropriate for all elected and appointed officials at all levels of the state.

SEN. SPLAINE: Do you agree then that at least some sort of standard should be prepared and that they will be coming out of your committee?

SEN. CONLEY: It will be coming out of my committee.

SEN. SPLAINE: Positively? I mean, favorably?

SEN. CONLEY: That will be up to the committee after we study it, sir. It will. And there never has been a bill in my committee that hasn't seen the floor of the Senate or the House.

SEN. SPLAINE: I trust you.

Adopted, referred to Interim Study.

Sen. Sanborn in the Chair.

HB 248-FN, revising the manner of nominating certain candidates for special elections and providing a method of making appropriations therefor. Inexpedient to legislate. Sen. Conley for the committee.

SEN. CONLEY: This is a bill that is similar to SB 50, which is scheduled for a committee of conference. Therefore HB 248-FN is merely redundant at this point in time.

Adopted.

SB 404-FN (HB 151-FN), relative to sunset review of for-esters. Ought to pass with amendment. Sen. Conley for the committee.

SEN. CONLEY: This is another one of these situations where we disagreed with the House. HB 151-FN terminated the board of foresters. We in consideration of the fact that we now have wood as a considerable, renewable resource which is becoming more valuable all the time. That the properties in the State of New Hampshire which are forested, the value of those forests and open lands have suddenly skyrocketed and we have in this inserted the usual board, the violations and penalties and hearing procedures as they were in the past. We feel that this is a much needed piece of legislation.

Amendment to SB 404-FN (HB 151-FN)

Amend the bill by striking out all after section 2 and inserting in place thereof the following:

3 Purpose. Amend RSA 319-B:1 (supp) as inserted by 1969, 458:3 by striking out said section and inserting in place thereof the following:

319-B:1 Declaration of Purpose. It is the express purpose of this chapter to protect the public by improving the standards relative to the practice of forestry, to provide for the regulation of professional foresters, to protect the public from unqualified practitioners, to help insure proper management of the forest resources of the state, and to provide public information relative to the practice of forestry by professional foresters.

4 Board. Amend RSA 319-B:4 (supp) as inserted by 1969, 458:3 by striking out said section and inserting in place thereof the following:

319-B:4 Board Established. There shall be a board of registration for professional foresters whose duty it shall be to administer the provisions of this chapter. The board shall consist of 5 members, including 4 registered professional foresters and one public member, appointed by the governor, with the advice of the council, from a list of 3 qualified nominees for each position recommended by the Granite State Division of the Society of American Foresters. Board members shall serve terms of 5 years.

5 Qualifications. Amend RSA 319-B:5 (supp) as inserted by 1969, 458:3 by striking out said section and inserting in place thereof the following:

319-B:5 Qualifications.

I. All board members shall be citizens of the United States and residents of the state of New Hampshire.

II. Registered professional foresters serving on the board shall be fellows or members of the Society of American Foresters.

III. The public member of the board shall be a person who is not, and never was, a member of the forestry profession or the spouse of any such person, and who does not and never has had, a material financial interest in either the provision of such professional services or an activity directly related thereto, including the representation of the board or profession for a fee at any time during the 5 years preceding appointment. Such public member shall also have an ownership interest in forest land within the state.

6 Application Fees. Amend RSA 319-B:13 (supp) as inserted by 1969, 458:3 as amended by striking out said section and inserting in place thereof the following:

319-B:13 Applications; Fees. Applications for registration shall be made on forms prescribed and furnished by the board, and shall contain statements made under oath as to citizenship, residence, the applicant's education, a detailed summary of his technical experience, and shall contain the names of not less than 5 references, 3 or more of whom shall be foresters having personal or professional knowledge of his forestry experience. The registration fee for a license as a registered forester shall be fixed by the board, half of which fee shall accompany the application, the balance to be paid before the issuance of the license. Should the applicant fail to remit the remaining balance within 30 days after being notified by registered mail that his application has been accepted, he shall forfeit the right to have a license so issued and such applicant may be required to again submit an original application and pay an original fee. Should the board deny the issuance of a license to any applicant, the fee deposited shall be retained by the board as an application fee.

7 Continuing Education. Amend RSA 319-B:16 (supp) as inserted by 1969, 458:3 as amended by striking out said section and inserting in place thereof the following:

319-B:16 Expiration and Renewal of Licenses. Licenses shall expire on June 30 next following their issuance or renewal and shall become invalid on that date unless renewed. The secre-

tary of the board shall notify every person registered under this chapter, at his last registered address, of the expiration date of his license, continuing education requirements established by the board, and the required fee for renewal. Such notice shall be mailed at least one month prior to the date of expiration. Renewal of licenses for the following year may be effected at any time during the month of June of the year in which such license has been issued or renewed by payment of the renewal fee fixed by the board. Such license may also be renewed within the ensuing 6 months by payment of an additional fee of \$1 per month, or fraction thereof, that the fixed renewal is delayed beyond the month of June. The board shall make an exception to the foregoing renewal provision in the case of a person who is in the armed services of the United States.

8 Discipline. Amend RSA 319-B:19 (supp) as inserted by 1969, 458:3 by striking out said section and inserting in place thereof the following:

319-B:19 Discipline.

I. The board shall have the power and responsibility to revoke the license of any registrant who is found guilty by the board of gross negligence, incompetence or misconduct in the practice of forestry.

II. The board is empowered to designate a person or persons to investigate and report to it upon any charge or fraud, deceit, gross negligence, incompetence or other misconduct in connection with any forestry practice against any registrant, as may come to its attention. Such person or persons so designated shall receive the same compensation and shall be reimbursed for expenses in the same amount as prescribed for the board.

III. Any person may prefer charges of fraud, deceit, gross negligence, incompetence or other misconduct in connection with any forestry practice against any registrant. Such charges shall be in writing, shall be sworn to by the person making them, and shall be filed with the secretary of state.

IV. All charges, unless dismissed by the board as unfounded or trivial, shall be heard by the board within 3 months after the date on which they shall have been preferred. The time and place for hearing shall be fixed by the board, and a copy of the charges, together with a notice of the time and place of the hearing shall be personally served upon a registrant charged at least 30 days before the date fixed for the hearing.

At any hearing the accused registrant shall have the right to appear personally and by counsel, to cross-examine witnesses appearing against him, and to produce evidence and witnesses in his own defense.

V. If after hearing 3 or more members of the board vote to find the accused guilty, the board may:

(a) Formally reprimand the registrant;

(b) Suspend or restrict a license for a period not to exceed 5 years;

(c) Revoke a license;

(d) Require a registrant to participate in a program of continuing forestry education in the area or areas in which he has been found delinquent;

(e) Require a registrant to practice under the direction of a registered forester for a period of time specified by the board; or

(f) Require any combination of the above.

9 Penalties. Amend RSA 319-B:20 (supp) as inserted by 1969, 458:3 as amended by striking out said section and inserting in place thereof the following:

319-B:20 Violations and Penalties.

I. Any person who shall use in connection with his name or otherwise assume, use or advertise any title or description tending directly or indirectly to convey the impression that he is a registered forester in this state, without being registered or exempt in accordance with the provisions of this chapter, or any person who shall present or attempt to use as his own the license of another, or any person who shall give any false or forged evidence of any kind to the board or to any member thereof in obtaining a license, or any person who shall attempt to use an expired or revoked license, or any person, firm, partnership or coporation who shall violate any of the provisions of this chapter, shall be guilty of a misdemeanor. No fine imposed under this paragraph shall exceed the amount of \$1,000.

II. The board, or such person or persons as may be designated by the board to act in its stead, is empowered to prefer charges for any violations of this chapter in any court of competent jurisdiction in any county in the state in which such violation shall have occurred. It shall be the duty of all duly constituted officers of the law of the srate, or of any political subdivision thereof, to enforce the provisions of this chapter,

and to prosecute any persons, firms, partnerships or corporations violating the same. The attorney general shall act as legal advisor to the board, and shall render such legal assistance as may be necessary in carrying out the provisions of the chapter.

10 Effective Date. This act shall take effect July 1, 1981.

Amendment adopted. Ordered to third reading.

HB 138-FN, relative to sunset review of the pharmacy commission. Ought to pass with amendment. Sen. Conley for the committee.

SEN. CONLEY: HB 138-FN as amended by the Senate actually just clears up the House version. There is a need for testing purposes for five members of the board. We added that a board member must have practiced in this state for five years. There is a new entry level degree of PhD. There used to be registered pharmacists. We included this so that most new pharmacists would not be precluded from practicing here. Added to it was reciprocity that they must pass a test regarding the laws in New Hampshire. We added continuing education to the board authority and changed registered mail to first-class mail in the license renewal section. We urge it's passage.

Amendment to HB 138-FN

Amend RSA 318:2 as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

318:2 Board. There shall be a pharmacy board consisting of 6 members; including 5 practicing pharmacists and one public member, each to be appointed by the governor, with the approval of the council, to a term of 5 years. No member shall be appointed to more than 2 consecutive terms. Only board members provided for in this paragraph shall have the authority to vote in board determinations.

Amend RSA 318:3, I as inserted by section 4 of the bill by striking out same and inserting in place thereof the following:

I. Pharmacist members of the board shall have been licensed pharmacists for at least 10 years, and at the time of their appointment shall have practiced pharmacy in this state for at least 5 years.

Amend 318:18 as inserted by section 7 of the bill by striking out same and inserting in place thereof the following:

318:18 Pharmacists. An applicant for examination and licensure as a pharmacist shall not be less than 18 years of age and of good professional character and temperate habits; shall have graduated with the basic, professional pharmacy baccalaureate degree or pharmacy doctor degree from a school of pharmacy, college of pharmacy, or pharmacy department of a university accredited by the American Council of Pharmaceutical Education and approved by the New Hampshire pharmacy board; shall file proof satisfactory to the board, substantiated by proper affidavits, of a minimum of one year internship activity in a community or institutional pharmacy in the United States; and shall pass an examination given by the pharmacy board to establish his or her fitness to practice the profession of pharmacy. The internship required in this section shall be service and experience in a community or institutional pharmacy under the supervision of a licensed pharmacist and shall be predominantly related to the selling of drugs and medical supplies; interpreting, compounding, preparing and dispensing of prescriptions; preparing of pharmaceutical products; keeping records and making reports required under federal and state statutes; and otherwise practicing pharmacy under the immediate supervision and direction of a licensed pharmacist. The board may deny licensure as a pharmacist for grounds which include, but which shall not be limited to, prior conviction of a felony; a misdemeanor resulting from a violation of a federal, state, or local drug or pharmacy-related law, rule, regulation; or an act involving moral turpitude or gross immorality.

Amend RSA 318:21 as inserted by section 8 of the bill by striking out same and inserting in place thereof the following:

318:21 Applicants From Other States. The board may license any applicant who is licensed in any other state, pro-

vided the other state's licensing requirements are substantially equivalent to or higher than those of this state, and further provided that the applicant successfully completes an examination, developed by the board, for the testing of his knowledge of New Hampshire law relative to the practice of pharmacy.

Amend RSA 318:5-a, VII as inserted by section 5 of the bill by striking out same and inserting in place thereof the following:

VII. The establishment of all fees required under this chapter, including application fees for nonresidents;

Amend RSA 318:25 as inserted by section 10 of the bill by striking out same and inserting in place thereof the following:

318:25 Relicensure. Pharmacist licenses shall expire annually at midnight on December 31. Every licensed pharmacist who wishes to continue to practice the profession of pharmacy shall:

- I. Annually reapply for licensure as of January 1;
- II. Pay a reasonable fee established by the board;
- III. Satisfy any continuing education requirements established by the board; and
- IV. Provide such data relating to his practice, residence, and status as deemed necessary by the board.

Amend RSA 318:26 as inserted by section 11 of the bill by striking out same and inserting in place thereof the following:

318:26 Failure to Renew. It shall be deemed a violation of the provisions of this chapter for any pharmacist to practice pharmacy beyond the expiration date of his license. A notice shall be sent by first class mail to the last known address of each pharmacist who fails to renew by February 1 warning that his pharmacist license may be suspended by the board for failure to renew by March 1 and that reinstatement shall not be made until a reasonable fee established by the board, together with any sum in arrears, is paid.

Amendment adopted. Ordered to third reading.

HB 19-FN, providing procedures to revoke approval of the standard dog control law. Ought to pass with amendment. Sen. Conley for the committee.

SEN. CONLEY: At present we have a statewide dog control law that some towns have adopted and find that they don't like. This bill would merely give them the method of rescinding such a law should they want to. The amendment also gives them the power to decide on their own dog control law should they want a dog control law, and not want the one that the state has designed.

Amendment to HB 19-FN

Amend 466:30-b as inserted by section 1 of the bill by inserting after paragraph IV the following new paragraph:

V. A town or city which either does not adopt, or rescinds its adoption of, RSA 466:30-a, may adopt other ordinances pertaining to dogs running at large under RSA 31:39 or RSA 47:17, XI.

Amendment adopted. Ordered to third reading.

HB 152-FN, relative to the sunset review of funeral directors and embalmers. Ought to pass with amendment. Sen. Conley for the committee.

SEN. CONLEY: HB 152-FN, again with the amendment, clears up some of the problems that we found in the House version of the bill. One particularly was that we deleted the reference to sending the roster of certified funeral directors and embalmers to railroads each year, because railroads are no longer used to transport bodies. Planes and airports usually outside of New Hampshire are now used and do not require such lists. We urge passage as amended.

Amendment to HB 152-FN

Amend RSA 325:2, I as inserted by section 3 of the bill

by striking out same and inserting in place thereof the following:

I. There shall be a board of registration of funeral directors and embalmers consisting of 5 members, including the director of public health services, department of health and welfare, or his designee; 3 funeral directors or embalmers; and one public member. The funeral directors, embalmers, and public members of the board shall be appointed by the governor, with the approval of the council, to serve terms of 5 years. Appointments of funeral directors or embalmers shall be made from lists of 6 qualified professionals submitted by the New Hampshire Funeral Directors and Embalmers Association. No member of the board shall be appointed to more than 2 consecutive terms.

Amend RSA 325:11 as inserted by section 5 of the bill by striking out same and inserting in place thereof the following:

325:11 Register of Licensees. The board shall keep a register in which shall be entered the names of all persons to whom licenses are issued, and this register shall be open to public inspection at the office of the board.

Amendment adopted. Ordered to third reading.

HB 159-FN, relative to sunset review of commission on the status of women. Ought to pass. Sen. Conley for the committee.

SEN. CONLEY: The committee met on this. Several of us attended the joint hearing with the House and we urge the Senate to pass the report of the committee as ought to concur with the House findings.

SEN. CHANDLER: This is a sunset report and therefore you are limited in what motions you can make regarding it. It is against the rules to report it inexpedient and therefore I am taking the procedure of voting against the passage of the bill. I would ask the Senators to vote against the committee report and if it fails to pass, it would be somewhat the same thing as if it had been voted inexpedient. This Com-

mission on the Status of Women has been in existence for about 12 or 14 years and there has always been a lot of controversy regarding it. When it first went into existence it only got created by a narrow margin here in this body, and then it became oriented in one direction. Then we had a change in the administration and the Commission became oriented in a different direction. Now we have another change in the administration and the Commission is oriented in another direction. It has really gone all out of bounds. This Commission on the Status of Women has far exceeded its stated purpose. In the first place we all got a letter from them this morning. I don't know if everyone has read it or not but one of the things that it says it is doing is that it has been collecting resumes and working with the Governor's office regarding upcoming appointments to boards and commissions. I don't believe it was ever constituted to act in that capacity. That seems to be a blatantly political action to be working with the Governor's office and recommending appointments to boards and commissions. I don't believe the intent was ever for it to do something like that. Secondly, even worse in my opinion, is a flyer I have here about a rally that is going to take place on the State House steps a week from Saturday. It is going to be from 1-4 p.m. I would like to read some of the organizations that are sponsoring this rally. One of them is the New Hampshire NARAL, which means the New Hampshire National Abortion Rights League. It is also being sponsored by the Feminist Health Center, which is a human butcher house down here on South Main Street in Concord. Another one is the New Hampshire Civil Liberties Union. The Women's Caucus of the Franklin Pierce Law Center, the Seacoast Citizen's for Choice, the Coalition Against Pornography and Violence, the Commission on the Status of Women, and also the Lesbian Feminist Collective, these are all sponsoring this rally. Lesbian Feminist Collective. So the state commission on the Status of Women have got some strange bedfellows. Another group that is sponsoring it is the New Hampshire Chapter of the National Lawyer's Guild. The National Lawyer's Guild has been certified by the Internal Security Commission of the United States Senate as a communist front organization. If you don't believe me you can have it looked up in the Library of Congress. This National Lawyer's Guild was declared

to be a communist front organization. So here we have a state agency in bed with the lesbians, in bed with the communist lawyers, and in bed with a human butcher house on South Main Street. And they are helping the Governor on appointments. So they are probably working with the Governor on appointments as they say they are, they will probably appoint some of these people and work them into state government on the boards and commissions. It seems like they will be infiltrating because they will naturally do for their friends. I think that the New Hampshire Commission on the Status of Women has outlived its usefulness and should no longer be a part of state government. I think we could very well do without it. I don't think it is needed. I don't think it justifies whatever appropriation that is made for it. I hope that we will vote against the report of the committee of ought to pass. And I would like to ask for a roll call on that vote.

SEN. BLAISDELL: Did you just say that smoking and women don't mix?

SEN. CHANDLER: Not at the same time.

Adopted. Ordered to third reading.

Recess.

Out of Recess.

Sen. Monier in the Chair.

HB 599-FN, providing for additional pay to nurses at the NH state prison. Inexpedient to legislate. Sen. Sanborn for the committee.

SEN. SANBORN: We had a fairly good hearing on this bill. One thing that was brought to our attention was that the Deputy Commission Drake came in from the Health and Welfare Department and he indicated to us that if we should pass this bill for the state prison alone then immediately anyone connected with the forensic unit in the State Hospital would be in trying to get the same raise and so forth. Actually, right now, the nurses and so forth who are in a dangerous position receive hazardous duty pay which is over and above what they get as a regular nurse and this would be adding another pay raise on top of that. After discussion in the com-

mittee we decided we didn't want to be double-paying anyone since we can't afford raises for anyone this year. We recommend this bill be inexpedient to legislate.

Adopted.

HB 334, relative to capital expenditure requests. Ought to pass. Sen. Sanborn for the committee.

SEN. SANBORN: This is another one of the bills that I described previous to this. It is another result of the committee that studied the Manual of Procedures for Capital Expenditures in the state and clarifies certain sections in the present Procedures Manual relative to what will be considered as a capital budget request, how they will be made up, and when the Governor will hold hearings on proposed capital budget requests. Actually relative to the hearing it more or less comes into the same conformity as those that are held on the General Appropriations. There was no opposition to this bill and we recommend its passage.

Adopted. Ordered to third reading.

HB 185-FN, relative to sunset review of the eminent domain commission. Inexpedient to legislate. Sen. Preston for the committee.

SEN. PRESTON: This bill relative to the eminent domain commission is recommended inexpedient to legislate because it is covered under other legislation as well as in the budget bill, HB 600, that the Senate Finance Committee is working on at the present time.

Adopted.

HB 191-FN, relative to sunset review of the liquor commission — warehouses. Ought to pass. Sen. Sanborn for the committee.

SEN. SANBORN: This is another one of the sunset review bills. There was a good hearing held. I could see nothing wrong with the way the House had passed this bill and we recommend that we concur and recommend passage of the bill.

Adopted. Ordered to third reading.

HB 366-FN, relative to the building projects revolving fund for technical and vocational schools and making an appropriation for regional vocational education tuition and transportation. Ought to pass. Sen. Sanborn for the committee.

SEN. SANBORN: What this bill does is actually in two parts. The first part sets up a building trades revolving fund in the vocational-technical schools. These are the schools that are at high school level, like the one in Exeter, Salem, and so forth around the state, that have been established. This building fund allows the students to go out, as I believe they have in Exeter, and build a house, sell the house, and the money from that sale goes back into this fund so they can buy more materials and do it again. Originally the bill had an appropriation of some \$40,000 in it but we did take out that \$40,000 and let them go ahead with the money that they already have in hand. We have a ceiling on it that the most they can have in there is \$70,000. The second part of the bill appropriates for fiscal year 1981, that is the year ending the 30th of this month, a sum of \$223,000 for transportation of handicapped children. Somehow or other the Commissioner of Education forgot to include that in his \$8 million appropriation that we passed earlier in this session. This is just paying costs that have already been incurred for the transportation of handicapped children. It amounts to \$223,000. We can see nothing wrong with this and we recommend passage of the bill.

SEN. BLAISDELL: I appreciate you appropriating this money but isn't it also true that when the Department of Education talked about transportation for the handicapped children, there were 950 children involved and that it went up to 1,350, that is the reason for the other appropriation?

SEN. SANBORN: That is correct.

Adopted. Ordered to third reading.

HB 362-FN, simplifying the procedures for registering motor vehicles by designating certain municipal officials as agents. Ought to pass. Sen. Sanborn for the committee.

SEN. SANBORN: Basically you heard this bill just recently as it came from Transportation. What this does is allow the Director of the Division of Motor Vehicles to establish certain town clerks or city clerks to register automobiles in their area. In the original hearing the city clerk of Laconia was before us and told how many she actually handled. There is a fee in here of \$1.50 extra that would go in her case to the city of Laconia because she is paid a salary, but for the convenience alone it was understood to be very convenient to the general public throughout the state and we recommend the passage of this bill.

Adopted. Ordered to third reading.

HB 576-FN, increasing to 8 the number of members from New Hampshire on the New England Board of Higher Education. Ought to pass. Sen. Preston for the committee.

SEN. PRESTON: This bill, HB 576-FN, gives New Hampshire membership from the New England Board of Higher Education equal to what other New England states have and increases the number of New Hampshire members by five.

Adopted. Ordered to third reading.

HB 861-FN, establishing a system of regulation and information gathering for well installations. Inexpedient to legislate. Sen. Sanborn for the committee.

SEN. SANBORN: This was an interesting bill. Very. This and a couple of other bills that will be coming up later today, filled the Hall of Flags and we let them in a few at a time to Room 120. It was crowded. The opposition to this bill were all the well drillers in the state of New Hampshire. Not one was in favor of it. The only trouble was that they more or less intimidated Senate Finance. I don't think there was any one of them who was under 6'6" and didn't look like a linebacker for the Pittsburgh Steelers. About the only people who did show up in favor of the bill was the sponsor. After we went through it we found so many problems with the bill, for instance, it says within a 30-day period that the water

in the new well has got to be tested. This is just one for instance. A good many times when a well is completed it may be late in the fall and the person who owns the well may have gone to Florida for the winter. There are no electrical connections or anything. There is no way to pick up the water to send it for an analysis test. This is just one of the many, many problems with this bill. After hearing all these problems we decided that the sponsor better start over with the well drillers and make up exactly what her intention was in this field. So we recommend that it be inexpedient to legislate.

Adopted.

HJR 1-FN, to refund certain return fees and franchise fees to Western World Insurance Company, Inc. of Ramsey, NJ. Ought to pass. Sen. Preston for the committee.

SEN. PRESTON: This resolution authorizes the payment of \$2,835 to the Western World Insurance Company of Ramsey, N.J. which mistakenly paid the sum of money and it merely reimburses them for a payment they had made twice.

Adopted. Ordered to third reading.

HB 833-FN, establishing a New Hampshire river conservation program. Refer to Interim Study. Sen. Sanborn for the committee.

SEN. SANBORN: This is the one that followed the well drillers and the place again was packed. Basically what this does is it tries to establish, more or less, scenic rivers within the State of New Hampshire. There was a lot of testimony given, most of it opposed to the bill. For instance, the Association for Conservation Society, the Society for the Protection of New Hampshire Forests, the Office of State Planning, everyone in the lumber business, and many others, were all opposed to this bill and found fault with it. In accordance with the testimony taken the Senate Finance will not go along with this bill and recommends it be referred to interim study and try to clean it up.

Adopted, referred to Interim Study.

HB 329-FN, authorizing a plaque and a volume to memorialize New Hampshire's Congressional Medal of Honor recipients and making an appropriation therefor. Ought to pass. Sen. Sanborn for the committee.

SEN. SANBORN: Basically what this bill does is establish and will have a place somewhere in the Hall of Flags or in the area of the State House, a plaque commemorating those New Hampshire people who received the Congressional Medal of Honor. There is only one living member now and he does not live in the State of New Hampshire, he is living now in California. I believe there was quite a piece about him in the paper within the last day or two. What the House added to this was that there would also be a pamphlet or booklet describing the deed that each one of these people did to receive the Congressional Medal of Honor which will be kept in the Visitor's Center so that anyone could look it up and find out why he or she received that Congressional Medal of Honor and the type of heroism that many people in New Hampshire have accomplished on the field of battle for the whole United States. One thing has been changed in it, there is no appropriation. It was felt by the committee and by the sponsors and others that contributions to the amount of \$2,500 can easily be obtained to pay for the plaque and for the keeping of the book. We recommend passage.

SEN. BLAISDELL: How many have we had in this state?

SEN. SANBORN: Fifty some odd. Don't ask me for the exact number, but fifty something.

Adopted. Ordered to third reading.

HB 380-FN, making an appropriation to the town of Pittsburg and Clarksville for the purpose of RSA 481:14. Ought to pass. Sen. Preston for the committee.

SEN. PRESTON: This bill appropriates \$25,000 to pay the towns of Pittsburg and Clarksville the \$12,500 due them annually in lieu of taxes as per RSA 481:14.

SEN. LAMONTAGNE: I rise in support of the motion ought to pass. At this time I would like to explain that right

now there is in the law that Clarksville and Pittsburgh shall receive the \$12,500 every year. But two years ago somehow it was overlooked and therefore the money was not put into the budget and that is the reason that Pittsburgh and Clarksville did not get the sum in reference to the Frances Dam. This will give back to Pittsburgh what actually they should have received two years ago, and also for this next fiscal year.

Adopted. Ordered to third reading.

HB 523-FN, providing for a personnel evaluation for the purpose of classifying deputy registers of probate. Ought to pass. Sen. Preston for the committee.

SEN. PRESTON: This bill merely establishes a personnel evaluation by the Department of Personnel serving as deputy registers of probate, including consideration of their length of service, their previous experience, etc. So it is merely a study and does not establish any salaries for the deputy registers of probate.

Adopted. Ordered to third reading.

HB 445-FN, relative to the classification of highways, highway aid apportionment and highway regulation. Ought to pass. Sen. Mann for the committee.

SEN. MANN: Basically all this does is raise the population from 6,500 to 7,500 in the compact section of cities and towns so they can get more state aid. One person appeared for it. He was all in favor of it. We recommend the bill ought to pass.

Adopted. Ordered to third reading.

HB 385-FN, relative to the construction of the Franklin-Laconia bypass including a bridge in the City of Franklin over the Pemigewasset River between Routes 3A and 127. Ought to pass. Sen. Mann for the committee.

SEN. MANN: We made a mistake. We shouldn't have sent this to Finance. There is no money in it. The bill you have

in front of you is from the House and it doesn't resemble the bill that we hope to pass. What we are going to do is petition the Secretary of Transportation to take action on the environmental impact study in regard to this bridge and bypass in Franklin. We think it is a good bill and should pass. There is no money involved in this whatsoever, no impact at all.

Adopted. Ordered to third reading.

HB 893-FN, relative to a unified court system and continuing the appropriation of the select commission to examine a unified court system. Ought to pass. Sen. Splaine for the committee.

SEN. SPLAINE: HB 893-FN already passed through the House and the Senate and it went on to the Senate Finance Committee so that we could take a look at the impact. Financially it has no fiscal impact on the state. Currently this bill requires the Supreme Court to establish a fee schedule for all state courts, a uniform personnel classification system for all non-judicial court personnel, a uniform budgetary procedure for all state courts, and an escrow accounts system for court facility renovations. Of importance in this bill is the fact that \$3 from each of the fines, forfeitures, and filing fees is to be held in escrow to be used in the future for court facility renovations in the towns in which the fine, forfeiture or fee is to be collected. The office of Administrative Services of the State of New Hampshire of the Supreme Court has estimated that increasing the current court fee for filing a case by \$10 will increase state revenues from cases in 1982 and 1983 by about \$5,000 each year. County revenues are estimated to be increased by about \$250,000 for each fiscal year. Consequently this is a built-in funding mechanism that will come as a result of passage and final approval of this legislation which has already gone to the Judiciary Committee, passed, sent on to Finance, and unanimously approved yesterday.

Adopted. Ordered to third reading.

HB 456-FN, relative to hazardous waste, including the creation of the New Hampshire hazardous waste cleanup fund,

and making an appropriation therefor. Ought to pass. Sen. Preston for the committee.

SEN. PRESTON: There really should be no need to explain this bill when you look at the sponsors. This is the bill referred to as the Governor's Hazardous Waste bill. I am certain that as years pass, many in New Hampshire would look upon this as a problem, but perhaps our reputation as being a state more known for its agriculture and trees, turned that reputation in an adverse way to making us one of the most attractive recipients of illegally dumped hazardous waste. It is still relatively easy in most parts of the state for a truck loaded with hazardous wastes to disappear on a deserted road and come out some time later empty. This bill, in effect, faces up to that problem. No longer should we be in the position of reacting to crises as we see in Nashua and Epping. This legislation establishes the parameters, defines the ground rules, and places us in a positive position to resolving the problem of hazardous wastes once and for all. There are monies involved in this bill but essentially the generators, the users of the facility, through fees would be paying for the cost. Initially the state would be required to put in the sums of some \$60,000 in fiscal 1982 and 1983, but a fund will be built up and borne by the users of the facility. I sincerely urge the unanimous support of this piece of legislation by all members of the Senate.

Adopted. Ordered to third reading.

HB 843-FN, requiring plain language in contracts and government documents. Interim Study. Sen. Brown for the committee.

SEN. BROWN: This is what is known as the plain language bill. The committee bought the concept of it and what it is trying to do is excellent. We are all for it, but the House amended out of it what they call the "objective test" and left in the "common-sense test". Well one describes the other. We have received numerous communications from the legal profession saying that if we didn't have both together and some other verbage ironed out that the courts would be full. That in relation to each contract that was ever made of \$50,000

or more, that if they weren't exact and precise, the courts would be full of cases. They said that should be ironed out, obviously we only have one more day to go and we would like to put it into interim study and iron it out.

Adopted.

HB 503, providing for suggestion and incentive awards. Inexpedient to legislate. Sen. Podles for the committee.

SEN. PODLES: This has already been addressed in SB 285 which passed the House and passed the Senate. The committee was unanimous in recommending inexpedient to legislate.

Sen. Rice moved to lay HB 503 on the table.

Adopted.

HB 592, relative to the issuance of short term obligations by public utilities. Ought to pass with amendment. Sen. Boyer for the committee.

SEN. BOYER: Under the present law public utilities commissions may adopt rules relative to the amount of short term notes which each utility may issue without the prior permission approval but may not fix this amount at less than 10% of the fixed capital account of the facility. This bill removes that 10% condition. It came out of committee ought to pass unanimously. We would urge the Senate to adopt the committee's recommendation.

Amendment to HB 592

Amend RSA 369:7, II and III as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

II. The commission may adopt rules under RSA 541-A relative to a reasonable amount of the notes, bonds, or other evidences of indebtedness based on the amount of their respective plant investment which each utility shall not exceed without first obtaining the approval of the commission. In estab-

lishing the amounts of the notes, bonds, and other evidences of indebtedness which the utility is permitted to issue or renew without prior commission approval, the commission shall consider the size, circumstances, and other characteristics of each utility, the aggregate term of the renewals of such notes, bonds, and other evidences of indebtedness, and the time period and manner for reporting such renewals to the commission.

Amendment adopted. Ordered to third reading.

HB 850-FN, relative to the development of hydro-energy production facilities by the water resources board. Ought to pass with amendment. Sen. Wiggins for the committee.

SEN. WIGGINS: This is a good bill. It just shortens up the licensing time, it eliminates some of the red tape you have to go through. We had a long hearing on it and no one appeared against it. We recommend passage.

Amendment to HB 850-FN

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to the development of hydro-energy
production facilities by the water resources
board and the approval of excavation and
dredging by the wetlands board.

Amend the bill by striking out section 10 and inserting in place thereof the following:

10 Approval of Minor Projects. Amend RSA 488-A:1 as inserted by 1967, 274:1 by striking out said section and inserting in place thereof the following:

488-A:1 Excavating and Dredging.

I. No person, firm, or corporation shall excavate, remove, or dredge any bank, flat, marsh, swamp, or lake bed that lies below the natural mean high water level of any public waters

of this state, except as provided in this chapter. For the purposes of this chapter, public waters are defined as all natural ponds of more than 10 acres. Upon the request of the owner of land abutting any public waters, the water resources board shall determine the natural mean high water level of the abutting public water.

II. The provisions of this chapter shall not apply to:

(a) Any land above the natural mean high water level of public waters;

(b) Any land below any artificially created high water level of any body of water; or

(c) Minor projects or minor improvements as allowed in rules adopted by the wetlands board under RSA 483-A:4-a.

11 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted. Referred to Finance.

SR 5, urging congress to amend the proposed right to life amendment to the United States constitution. Interim Study. Sen. Lamontagne for the committee.

SEN. LAMONTAGNE: We had a hearing. We had people who represented this bill and were for it and we had one in opposition. There was also an amendment that was proposed to the committee but after seeing that amendment the committee felt that the amendment should be sent to interim study.

SEN. CHANDLER: I move that ought to pass with amendment be substituted for the committee report of refer to interim study.

I would like to ask that the Senate reject the referral to interim study and give me a chance to offer an amendment. I would like to read the amendment and explain it. This is an amendment to amend the resolution by striking out all after the title and inserting in place thereof the following:

Whereas Joint Resolutions proposing an amendment to the United States Constitution guaranteeing right of life to the unborn have been introduced in the United States House of Representatives as HJR 900, and in the United States Senate as SJR 19,

and whereas both resolutions state that the paramount right to life is festered in each human being from the moment of fertilization without regard to age, health, or condition of dependency,

and whereas it should be recognized that in the case of the unborn every effort must be made to secure the lives of both the mother and the baby or babies,

Now therefore, be it resolved by the Senate, that the Congress is hereby urged to adopt HJR 900 and SJR 19, and that copies of this resolution be forwarded to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the administrator of General Services of the United States, and members of the New Hampshire Congressional delegation.

This changes SJR 5. Senate Joint Resolution 5 when it was first introduced to the Senate and referred to Sen. Lamontagne's committee, was a resolution calling on Congress to change these two proposed amendments that I just read. The SJR 5 asked that those be amended. This resolution asks and urges that they be adopted. It is a turn around. I talked with Sen. Lamontagne yesterday and he said he wouldn't have any objections to having it in this form. The two amendments that are before Congress, one before the Senate and one before the House, they both say what SB 111 said. We passed that here about six weeks ago and sent SB 111 to the House and it declared that life began at conception. That bill was defeated in the House. The House referred it to interim study. The Senate has already adopted and voted for the theory of life beginning at conception or fertilization. We have already adopted that. This resolution is calling on Congress to adopt the two proposed amendments that are before Congress now. This doesn't go to the House, it is just a Senate Resolution.

SEN. LESSARD: I rise in support of the committee report to send this bill to interim study. I do so because of a sensitive nature that is involved with this bill. The resolution deals with the question of whether or not a woman should be allowed to have an abortion when incest is involved, when rape is involved, and when the women's life is in jeopardy. Currently these questions are being debated by Congress and there are a number of people who are pro-life, that are members of

the Right to Life Committee in this state who are grappling with these questions, whether a woman has a right to an abortion even when a woman's life is in jeopardy. In jeopardy from having that child. We had members of the Right to Life Committee come before our committee and say to us that their committee, the statewide Right to Life Committee, are grappling with these issues, that they are tearing at this issue right now. And members of that committee came before us and said give us a year, send this to study, we would like to bring it in and address it as one voice during the interim or at least during the next session of the Legislature. I don't feel adequately equipped at this time, frankly, to vote on an issue of whether a woman should be allowed to have an abortion where incest, rape, or where a woman's life is involved. I don't think that that issue has been adequately studied. I would hope that you would support the committee report of sending this to interim study. The pro-life community today are at odds with one another. They are not united on this issue and they themselves came before us and said give us a year to discuss it, to have meetings on it, and review the issues that are involved here and we will come back to you with one voice.

SEN. CHANDLER: Are you aware that the New Hampshire Right to Life Committee has prepared this present resolution which we have before us now? Are you aware that the question that was brought up where there was a division of opinion at the hearing but that this is an entirely different thing, is it not?

SEN. LESSARD: All I can say to you Senator is that they appeared before us, they were in disagreement at that time, they asked for one year to study it. I have not seen the amendment to this until right now. I didn't see a copy of this before this session and I would give in to their request and that is to give them a year to study it.

SEN. LAMONTAGNE: As I mentioned to you, this amendment was proposed before the committee and therefore we did not have a chance to really give the amendment a public hearing which should have been done because this amendment the way it is presented completely changes the bill. Completely. There was lack of time and impossible to turn around on the proposed amendment and have a hearing before the committee, therefore the committee felt that as long as the amend

ment completely changes the bill and we did not have a public hearing on the amendment, we voted to send it to interim study. What has been said by Sen. Chandler about him talking to me yesterday, members of the Senate, I want you to know that I said to the Senator that the matter has been referred to interim study committee, and he told me about the amendment and he said is it all right if I propose it before the Senate. Well certainly I am not the one who is supposed to be the judge of that, that is up to the Senate. But I said to him that I had no objections if you produce the amendment on the floor of the Senate.

Adopted, referred to Interim Study.

HB 783, relative to revocation and suspension of certificates and permits of motor carriers. Inexpedient to legislate. Sen. Mann for the committee.

SEN. MANN: This is an unneeded piece of legislation. We checked with the public utilities commission and they indicated that it would not affect anything if this bill passed or didn't pass, so we didn't see any sense of passing this.

Adopted.

HB 787, relative to inspection of pressurized gas containers and the sale of unvented space heaters. Ought to pass with amendment. Sen. Mann for the committee.

SEN. MANN: The amendment is on page 53 and 54 of your calendar. We had two amendments, one concerned the storage of fuel, that the storage must be in conformance with the NFBA No. 30 pamphlet, this would stop 55 gallon drums in third floor apartments. The other amendment we made was in the unvented space heaters, they must be certified by underwriter's laboratory and approved by the State Fire Marshal.

Amendment to HB 787

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to inspection of pressurized gas containers, the use of unvented space heaters, and the storage of fuel.

Amend the bill by striking out sections 1 and 2 and inserting in place thereof the following:

1 Inspection and Labeling of Liquified Petroleum Gas Containers and Storage of Fuel. Amend RSA 153 by inserting after section 16-a the following new sections:

153:16-b Liquified Petroleum Gas Containers.

I. As used in this section "container" means a container used for liquified petroleum gas which contains 100 pounds or less of gas. Container includes, but is not limited to, cylinders.

II. The individual responsible for refilling the container shall conduct periodic inspections of the container for evidence of exposure to fire, gouges or dents, seriously corroded areas, leaks, or other conditions indicating possible weaknesses which may render it unfit for service. All containers, including those apparently undamaged, shall be periodically inspected and requalified for continued service by hydrostatic testing or visual examination by a competent person.

III. Containers shall be labeled with the date of inspection. No cylinder improperly labeled shall be refilled.

IV. An owner or individual responsible for refilling the container who fails to comply with this section or with rules adopted by the state fire marshal under paragraph V shall be guilty of a misdemeanor.

V. The state fire marshal shall adopt rules, under RSA 541-A, relative to requirements for periodic inspection, recertification, labeling of containers, and enforcement of this section.

153:16-C Storage of Fuel. No person shall store fuel in any occupied structure except in conformance with the requirements of the latest edition of National Fire Protection Association, Number 30. "Occupied structure" shall mean any structure, vehicle, boat or place adapted for overnight accommodation of persons, or for carrying on a business therein, whether or not a person is actually present. Any person violat-

ing the provisions of this section shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person.

2 Exemption for Safe Heaters. Amend RSA 158:28 (supp) as inserted by 1971, 400:1 as amended by striking out said section and inserting in place thereof the following:

158:28 Sale or Installation of Heaters.

I. Except as otherwise provided in this section, no person shall sell or offer for sale an unvented space heater, nor shall any person install or use an unvented space heater in any occupied structure.

II. "Unvented space heater" shall mean any heating appliance, either wick, wickless, or pot burner type, which uses oil, gas or kerosene for fuel, is either stationary or portable, and the products of combustion are not directly conducted to the outside of the building via a chimney connector pipe.

III. "Occupied structure" shall mean any structure, vehicle, boat or place adapted for overnight accommodation of persons, or for carrying on a business therein, whether or not a person is actually present.

IV. Nothing in this section shall prevent the sale, installation, or use of the following heaters in any structure, including occupied structures:

(a) The so-called flameless catalyst type heaters;

(b) Unvented space heaters used as antiques or curios, provided they are rendered inoperative;

(c) The so-called salamander type heaters, provided that they are used solely in accordance with the standards contained in chapter 4-4.7 of National Fire Protection Association, Number 31;

(d) The so-called salamander type heaters for temporary use in an unoccupied structure; or

(e) Unvented space heaters listed or certified by Underwriters Laboratory and approved by the state fire marshal.

V. The fire marshal shall adopt rules pursuant to RSA 541-A relative to procedures for obtaining approved of safe space heaters and for making available to the public a list of space heaters certified as safe.

VI. Whoever violates any provision of this section shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person.

Amendment adopted. Ordered to third reading.

Sen. Podles moved to take HB 156 from the table.
Adopted.

HB 156-FN, relative to sunset review of board of psychologists. Ought to pass with amendment. Sen. Conley for the committee.

SEN. CONLEY: Since I haven't had anything to say yet I thought I would take this opportunity to say something. There were some questions with regard to the amendments that we placed on HB 156-FN to take care of some of the faults that we found with the House rendition. During the interim period that this bill has been on the table several of us have met with both sides of the issue and therefore we are presenting a floor amendment to HB 156-FN which corrects some of the things that were left out of the original amendments, having to do particularly with the make-up of the board and certain items having to do with the master's degree program under psychology. This is an agreed amendment by all parties involved and I urge the Senate to go along with this additional floor amendment.

Amendment to HB 156-FN

Amend RSA 330-A:3 as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

330-A:3 Board. There shall be a board of examiners of psychologists consisting of 5 members: including 4 certified psychologists, one of whom is a member of the faculty of an accredited college or university in this state and is actively engaged in the teaching of psychology; and one public member, each to be appointed by the governor, with the approval of the council, to a term of 5 years. No member shall be appointed to more than 2 consecutive terms. Only board members provided for in this paragraph shall have the authority to vote in board determinations.

Amend RSA 330-A:8, VI-VIII as inserted by section 5 of the bill by striking out same and inserting in place thereof the following:

VI. Ethical standards, as promulgated by the American Psychological Association, required to be met by each holder of any certificate issued under this chapter and how a certificate may be revoked for violation of these standards;

VII. Registration procedures, standards, and supervision requirements for psychological assistants. The rules shall require at least one hour weekly substantive in person conference with the supervisor, unless specific alternative arrangements are approved by the board;

VIII. The establishment of all fees required under this chapter; and

IX. Procedures for the conduct of hearings consistent with the requirements of due process.

Amend RSA 330-A:11, I as inserted by section 8 of the bill by striking out same and inserting in place thereof the following:

I. The board shall issue a psychologist certificate to any person who:

(a) passes a satisfactory examination in psychology;

(b) has received a doctoral degree based on a program of studies whose content was primarily psychological from a regionally accredited educational institution having a graduate program, or its substantial equivalent in both subject matter and extent of training;

(c) has had at least 2 years of satisfactory, supervised experience in the field of psychology;

(d) is of good professional character; and

(e) has paid all fees set by the board.

Amend the bill by striking out section 13 and 14 and inserting in place thereof the following:

13 Associate Psychologists. Amend RSA 330-A:16-a as inserted by 1969, 120:3 by striking out said section and inserting in place thereof the following:

330-A:16-a Associate Psychologist.

I. The board shall issue an associate psychologist certificate to any person who:

(a) satisfactorily passes the national examination in psychology;

(b) has met the educational requirements beyond the master's degree representing the diverse areas of study within the field of psychology, as set by rules under RSA 330-A:8;

(c) has submitted documented evidence of 5 years' formal substantive supervision beyond the master's degree as defined in RSA 330-A:16, IV. The board shall adopt rules under RSA 330-A:8 for appropriate supervision;

(d) is of good professional character; and

(e) has paid all fees set by the board.

II. Eligible persons must have registered their intent to qualify for an associate psychologist certificate by July 1, 1982, and must have completed all requirements by July 1, 1989. After the latter date this category of certification will be available only for renewal.

14 Psychological Assistants. Amend RSA 330-A by inserting after section 16-a the following new section:

330-A:16-b Psychological Assistant.

I. The board shall register as a psychological assistant any person who:

(a) has received the master's degree based upon a program of study whose content was primarily psychological in nature from a regionally accredited institution;

(b) has submitted to the board such transcripts, recommendations, and evidence of work as the board shall require; and

(c) is employed by a certified psychologist or by an agency, institution, or other organization that contracts for the services of a psychologist or associate psychologist certified under this chapter who directly supervises the psychological assistant, subject to the requirements of this section.

II. The supervision of a psychological assistant by a certified psychologist or associate psychologist shall include the following:

(a) regular meetings between the supervisor and the psychological assistant;

(b) the supervisor shall assume professional responsibility for the psychological assistant in a written agreement on record

with the board. If the supervisor is a private practitioner, he must assume both professional and legal responsibility in the agreement.

III. If the supervisor ceases to supervise and assume professional responsibility for the psychological assistant, the board shall be notified in writing. If the supervisor's contract with the employing organization is being terminated, the board shall be notified before the termination date.

IV. If the supervision ceases, the psychological assistant may practice psychology and use the title "psychological assistant" for a maximum of 90 days, unless another certified psychologist or associate psychologist agrees to assume responsibility, as provided in this section.

V. Each supervisor's agreement shall be approved by the board before becoming effective and shall be reviewed by the board at least annually.

VI. No psychological assistant shall engage in the independent or private practice of psychology or offer to render, or render services except as provided in this section.

15 Associate Psychologists.

I. Any person seeking to qualify for an associate psychologist certificate shall register his intent to do so with the board by July 1, 1982. To be eligible to register the person must have:

(a) been a resident of, or employed in, New Hampshire as of July 1, 1981;

(b) completed the requirements for a master's degree, primarily psychological in nature, from a regionally accredited institution by September 1, 1981.

II. Persons certified as associate psychologists prior to July 1, 1981, may continue to use that title until June 30, 1989, if the scope of their activities does not differ from those of a psychological assistant as defined in RSA 330-A:16-b.

III. Beginning July 1, 1989, associate psychologists who have not qualified for certificates as associate psychologists under RSA 330-A:16-a shall be known as psychological assistants and may not use the title "associate psychologist."

16 Initial Appointments. Appointments to the psychology board shall be made to reach compliance with the composition requirements of this act as soon as practicable, provided that no present board member shall be required to resign such membership prior to the expiration of his term under prior

law and that the public member shall be appointed to the board to fill the first vacancy occurring after this act has taken effect.

17 Effective Date. This act shall take effect July 1, 1981.

Amendment adopted.

Sen. Conley moved a floor amendment to HB 156

Floor Amendment to HB 156-FN

Amend RSA 330-A:3 as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

330-A:3 Board. There shall be a board of examiners of psychologists consisting of 5 members: including 4 certified psychologists, one of whom is a member of the faculty of an accredited college or university in this state and is actively engaged in the teaching of psychology; and one public member, each to be appointed by the governor, with the approval of the council, to a term of 5 years. No member shall be appointed to more than 2 consecutive terms. Only board members provided for in this paragraph shall have the authority to vote in board determinations.

Amend RSA 330-A:8, VI-VIII as inserted by section 5 of the bill by striking out same and inserting in place thereof the following:

VI. Ethical standards, as promulgated by the American Psychological Association, required to be met by each holder of any certificates issued under this chapter and how a certificate may be revoked for violation of these standards;

VII. Registration procedures, standards, and supervision requirements for psychological assistants. The rules shall require at least one hour weekly substantive in person conference with the supervisor, unless specific alternative arrangements are approved by the board;

VIII. The establishment of all fees required under this chapter; and

IX. Procedures for the conduct of hearings consistent with the requirements of due process.

Amend RSA 330-A:11, I as inserted by section 8 of the bill by striking out same and inserting in place thereof the following:

I. The board shall issue a psychologist certificate to any person who:

- (a) passes a satisfactory examination in psychology;
- (b) has received the doctoral degree based on a program of studies whose content was primarily psychological from a regionally accredited educational institution having a graduate program, or its substantial equivalent in both subject matter and extent of training;
- (c) has had at least 2 years of satisfactory, supervised experience in the field of psychology;
- (d) is of good professional character; and
- (e) has paid all fees set by the board.

Amendment adopted. Ordered to third reading.

Sen. Wiggins moved to remove HB 803 from the table.
Adopted.

HB 803, redefining abutters and the powers of planning boards. Ought to pass with amendment.

SEN. WIGGINS: We had inadvertently put the wrong amendment on HB 803 yesterday, that is why I had it tabled. You have the right amendment before you now. That is why we took it off the table and hope you will pass the bill with the new amendment.

SEN. SANBORN: Senator, the way I heard it explained one time before was that someone who was across the river didn't get notice. The way I read your amendment, if someone down here in Bow, by the dam in Bow, objected to somebody across the river, they would have to be notified. Is that correct?

SEN. WIGGINS: Not unless they were directly across. We amended Section 3 and 4 of the bill out. This is what was

in Section 1 and 2 of that horrendous thing you have in front of you.

SEN. SANBORN: May I ask, when you say stream, what is defined as a stream, because I'm thinking of some of the lakes in the State of New Hampshire that were originally a stream until they put a dam in and now there is a mile-wide lake in between, are they included?

SEN. WIGGINS: No, a small river would be my interpretation of a stream.

SEN. SANBORN: Well I'm just wondering, it says stream here and just how broad we are talking about.

SEN. LAMONTAGNE: Seeing that we adopted the wrong amendment yesterday, shouldn't we reconsider the amendment that was adopted yesterday?

SEN. MONIER: No, it is my understanding that the second amendment is to correct that. That is why I took the procedure we did so that we know what we are doing.

SEN. BROWN: I may be able to help Sen. Sanborn. The word river was deleted from this bill in relation to the description of an abutter. The reason being that as you know, the zoning and planning committee that was in operation in the last two years and held hearings throughout the state and so forth, the biggest objection to Chapters 31 and 36, which is the planning and zoning chapters of the statutes, the biggest objection we had everywhere we went was the description of abutters. Among that was one of the biggest gripes, why should someone across the river that is a half a mile, three-quarters of a mile wide, be considered in this and be described as an abutter because now you have to send registered letters and so forth every time there is a hearing or there is a question. There wasn't anyone who felt that the word river should stay in there. If you want to interpret stream, you could interpret it to a larger point of where it is not too wide across so that they could if they were interested. That was the biggest objection that we had for the last two years at every public hearing we held throughout the state.

Amendment to HB 803

Amend the bill by striking out section one and inserting in place thereof the following:

1 Hearing Notice to Abutters. Amend RSA 31:71, I(a) (supp) as amended by striking out said subparagraph and inserting in place thereof the following:

(a) The appellant and every abutter whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under construction in the hearing of the appeal by the board of adjustment shall be notified of the hearing by certified mail, return receipt requested, stating the time and place of the hearing, and such notice shall be given not less than 5 days before the date fixed for the hearing of the appeal. The board shall hear all abutters desiring to submit testimony and all nonabutters who can demonstrate that they are affected directly by the proposal under consideration. The board may hear such other persons as it deems appropriate.

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Definitions; Abutter. Amend RSA 36:1, IX (supp) as inserted by 1979, 323:1 by striking out said paragraph and inserting in place thereof the following:

IX. "Abutter" means any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the planning board. For purposes of receiving testimony only, and not for purposes of notification, the term abutter shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration.

Amendment adopted.

Amendment to HB 803

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

redefining abutters.

1 Hearing Notice to Abutters. Amend RSA 31:71, I(a) (supp) as amended by striking out said subparagraph and inserting in place thereof the following:

(a) The appellant and every abutter whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under construction in the hearing of the appeal by the board of adjustment shall be notified of the hearing by certified mail, return receipt requested, stating the time and place of the hearing, and such notice shall be given not less than 5 days before the date fixed for the hearing of the appeal. The board shall hear all abutters desiring to submit testimony and all nonabutters who can demonstrate that they are affected directly by the proposal under consideration. The board may hear such other persons as it deems appropriate.

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Definitions; Abutter. Amend RSA 36:1, IX (supp) as inserted by 1979, 323:1 by striking out said paragraph and inserting in place thereof the following:

IX. "Abutter" means any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the planning board. For purposes of receiving testimony only, and not for purposes of notification, the term abutter shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration.

3 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted. Ordered to third reading.

HOUSE MESSAGES

HOUSE ASKS CONCURRENCE IN AMENDMENT

SB 198, relative to liquidity of cooperative banks, savings and loan associations and building and loan associations.

Sen. Freese moved Concurrence.
Adopted.

ENROLLED BILLS AMENDMENT

HB 691-FN, bringing unemployment compensation into conformity with federal requirements. Sen. Wiggins for the committee.

SEN. WIGGINS: This amendment corrects the amending language in one section of the bill.

Enrolled Bill Amendment to HB 691-FN

Amend section 1 of the bill by striking out lines 1 and 2 and inserting in place thereof the following:

1 Athletes. Amend RSA 282:1, 0 (supp) as amended by striking out said paragraph and inserting in place thereof the following:

Amendment adopted.

ENROLLED BILLS REPORT

SB 67, relative to the regulation of the sale of securities.

SB 92, changing the qualifying dates of service for the veterans' exemption.

HB 313, relative to municipal authority to adopt conflict of interest ordinances.

HB 437, changing the dates for annual school district meetings and for notifying certain teachers concerning their re-nomination for the next school year.

HB 543, relative to documents received by the register of deeds.

HB 572, relative to county jails and houses of correction.

HB 597, removing statutory references to judicial imposition of solitary confinement at the state prison.

HB 631, permitting the establishment of student loan corporations.

HB 657, requiring that flood control lease receipts be distributed to rowns.

HB 739, relative to Haverhill Corner precinct.

HB 745, establishing a legislative procedure for executive reorganization and authorizing certain state officials to prepare reorganization plans.

HB 896, requiring notice of the exemptions to the resident tax.

HB 900, relative to regulation of small loans.

CACR 5, Relating to: the term of the governor. Providing that: the term shall be 4 years.

SB 22, relative to relocation payments as a result of persons displaced from their property for highway development.

SB 52, granting to state-chartered financial institutions the powers of similar federally-chartered financial institutions.

SB 103, relative to notice requirements prior to parole hearings.

SB 110, allowing insurers to offset unpaid premiums from amounts owed on claims.

SB 139, relative to deregulation of the interest charged on second mortgage home loans and rulemaking authority with regard to second mortgage home loans.

SB 201, increasing the oil transfer fee from \$.01 per barrel to \$.015 per barrel.

SB 285, establishing a state employee productivity incentive program.

HB 112, relative to sunset review of the public utilities commission — administration and support.

HB 164, relative to sunset review of the board of rehabilitation counselors.

HB 452, creating a committee to study the establishment of a contributory retirement system for all full-time district court justices and every justice of the probate, superior, and supreme courts in the state of New Hampshire.

HB 466, relative to funding domestic violence programs.

HB 511, relative to railroad tax payments.

HB 553, removing certain limitations on the prescription of controlled drugs.

HB 615, relative to involuntary admission and involuntary emergency hospitalization.

HB 619, relative to the taxing of certain vehicles as personal property.

HB 651, concerning prepayment of resident tax.

HB 653, relative to nursing home patient accounts.

HB 663, relative to the Copple Crown village precinct in New Durham.

HB 668, relative to the industrial development authority.

HB 731, relative to construction and inspection of public buildings.

HB 742, relative to aid to certain professional school students.

HB 747, relative to the adoption of the model professional corporation act.

HB 764, exempting certain ski area machinery and equipment from taxation as real property.

HB 836, providing for the forgiveness of capitation fees for certain veterinary graduates.

HB 878, relative to notification of certain nominees after a state primary election.

HB 919, relative to amounts recoverable in suits for unfair methods of competition and unfair or deceptive trade practices.

HB 928, relative to registers of deeds.

HB 949, legalizing the proceedings authorizing the issuance of certain bonds of the Meriden Village water district.

Sen. Lamontagne for the committee.

SPECIAL ORDER

1:01 p.m.

HB 516-FN, to remove the spousal exception to sexual assault offenses.

Having voted with the majority Sen. Preston moved Reconsideration of HB 516, ought to pass.

Adopted.

Sen. Lamontagne moved "ought to pass."

Roll Call requested by Sen. Blaisdell.

Seconded by Sen. Lessard.

The following Senators voted yes: Lamontagne, Hough, Blaisdell, Mann, Stabile, Boyer, Kelly, Rice, Lessard, Preston, and Splaine.

The following Senators voted no: Conley, Freese, Chandler, Wiggins, Monier, Podles, Sanborn, Stephen, Brown, and Champagne.

11 yeas 10 nays

Adopted. Ordered to third reading.

ANNOUNCEMENTS

Sen. Brown moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills ordered to third reading be read a third time by this resolution and that all titles be the same as adopted, and that they be passed at the present time; and that when we adjourn, we adjourn until Thursday, June 4, 1981 at 1:00 p.m.

Adopted.

LATE SESSION

Third Reading and Final Passage

HB 154-FN, relative to sunset review of land surveyors.

SB 401-FN (HB 143-FN), relative to sunset review of the arborist board.

HB 144-FN, relative to sunset review of the board of architects and board of engineers.

SB 402-FN (HB 150-FN), relative to sunset review of the board of engineers.

HB 160-FN, relative to sunset review of veterinary examiners.

SB 403-FN (HB 142-FN), relative to sunset review of alarm installers.

SB 404-FN (HB 151-FN), relative to sunset review of foresters.

HB 138-FN, relative to sunset review of the pharmacy commission.

HB 19-FN, providing procedures to revoke approval of the standard dog control law.

HB 152-FN, relative to the sunset review of funeral directors and embalmers.

HB 159-FN, relative to sunset review of commission on the status of women.

HB 334, relative to capital expenditure requests.

HB 191-FN, relative to sunset review of the liquor commission — warehouses.

HB 366-FN, relative to the building projects revolving fund for technical and vocational schools and making an appropriation for regional vocational education tuition and transportation.

HB 362-FN, simplifying the procedures for registering motor vehicles by designating certain municipal officials as agents.

HB 576-FN, increasing to 8 the number of members from New Hampshire on the New England Board of Higher Education.

HJR 1-FN, to refund certain return fees and franchise fees to Western World Insurance Company, Inc. of Ramsey, N.J.

HB 329-FN, authorizing a plaque and a volume to memorialize New Hampshire's Congressional Medal of Honor recipients and making an appropriation therefor.

HB 380-FN, making an appropriation to the towns of Pittsburg and Clarksville for the purpose of RSA 481:14.

HB 523-FN, providing for a personnel evaluation for the purpose of classifying deputy registers of probate.

HB 445-FN, relative to the classification of highways, highway aid apportionment and highway regulation.

HB 385-FN, relative to the construction of the Franklin-Laconia bypass including a bridge in the City of Franklin over the Pemigewasset River between Routes 3A and 127.

HB 893-FN, relative to a unified court system and continuing the appropriation of the select commission to examine a unified court system.

HB 456-FN, relative to hazardous waste, including the creation of the New Hampshire hazardous waste cleanup fund, and making an appropriation therefor.

HB 592, relative to the issuance of short term obligations by public utilities.

HB 787, relative to inspection of pressurized gas containers, the use of unvented space heaters, and the storage of fuel.

HB 803, redefining abutters and the powers of planning boards.

HB 516-FN, to remove the spousal exception to sexual assault offenses.

HB 156-FN, relative to sunset review of board of psychologists.

Adopted.

RECONSIDERATION

Sen. Blaisdell moved reconsideration of HB 516.

Motion failed.

Sen. Brown moved the Senate adjourn at 3:45 p.m.

Adopted.

Thursday, June 4, 1981

The Senate met at 1:00 p.m.

A quorum was present.

Announcement by Rev. Fischer

200 years ago tomorrow, June 5, 1981, the Second Constitutional Convention met in Concord on the north/west corner of Main and Pleasant Streets, out of which came our basic Constitution of New Hampshire in 1784.

The prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Lord, grant us calmness of spirit and soundness of mind as the pressure piles up and the temperature rises as well as our own blood pressure as we try to meet the deadline on legislation.

Help us to be mindful of Thy presence as we try through Thy will to be the right decision makers of the people and for the people!

We also pray for our Sergeant-at-Arms, Milo Cheney, who is in the hospital.

Hear us Lord!

Amen

Senator Hough led the Pledge of Allegiance.

INTRODUCTIONS

Sen. Stephen introduced the new Miss New Hampshire, Natalie Oliver.

Sen. Sanborn in the Chair.

COMMITTEE REPORTS

HB 512-FN, imposing a surcharge upon liquor and wines and an additional \$.03 fee upon beverages for use in the prevention and treatment of alcohol and drug abuse and the rehabilitation of drug abusers. Majority: Inexpedient to legislate. Minority: Ought to pass. Sen. Monier for the Majority. Sen. Preston for the Minority.

SEN. MONIER: HB 512-FN is a bill that I do not like to put as inexpedient to legislate and I would like to take two or three minutes to explain why I am standing here with a majority report. I think that all of you should understand that there are several things wrong with this bill. I am speaking to the Senate not the audience. First it earmarks funds for a specific purpose of alcohol and drug abuse. It earmarks funds for that. Many of us want to help all we can financially to combat this serious problem. Earmarking is not the way to do it and that is part of the problem with this. I will come back to that later if I may. Whenever you earmark funds for a specific purpose you never end up with enough or the right amount of funds available. You always end up with either too little or too much. There is no correlation between the amount of taxes raised and the amount of money that needs to be spent on the particular problem involved. I don't care what it is. Our Constitution, for example, now earmarks funds for the Highway Department, as a result we have more money spent on roads, which is fine in a time of expanding money, but not when we are spending enough on other human needs as we are now, yet we cannot change it. With passage of this bill, we would end up spending big bundles of money trying to rehabilitate alcoholics while we are underfunding retarded children, mentally ill, the handicapped, and I might add, and

I want this carefully recorded, and such things as our county nursing homes corrections. With such earmarking we write our spending priorities into law and we do not evaluate spending priorities based on existing needs as determined by the budget making process. The Education Commission of the state's Task Force, I might tell you very frankly that that is not an organization that would support me, although they have never been asked to, states this about these kinds of earmarked funds and the controls: "Earmarked taxes do not afford legislators the flexibility to put the dollars where the problems are. It takes away their facility to deal effectively with the General Fund budget. The concept severely limits executive and legislative efforts toward establishing a sufficient degree of accountability within all given program areas as well as the one that is covered." Priority budgeting is a form of accountability. For example, that would be virtually impossible to achieve with any program supported by directed funds. Earmarked taxes can create a situation where resources are locked into a specific problem area long after it ceases to be either a problem or a priority of equal importance. I stress that because at this particular time we have many priorities of equal importance. The concept suggests or implies that the substance is the cause of the problem. It narrows the perspective of the problem to a point where an overall preventive effort would not be possible. This bill places a 5 cent tax on every bottle of liquor and wine sold in New Hampshire and a 3 cent tax on beer. I say that to you again, this bill places a 5 cent tax on every bottle of liquor and wine sold in New Hampshire and a 3 cent tax on every gallon of beer. Now some of you would probably worry about that extra 3 cents but I don't drink a gallon of beer so it is all right. But in the early 1970's the Legislature had a study done which supposedly collected dust from the Arthur D. Little Company, which indicated that raising the price of liquor and tobacco effected the amount of liquor and tobacco sold to out-of-state customers. The study clearly showed that the closer our liquor and tobacco prices go to neighboring states' prices, the less we will sell. It also makes no sense to me to tax our own efforts to generate revenue such as liquor sales. The study pointed out as well that when we raise our prices in any way whatsoever we decrease our sales due to loss or decreases in sales to out-of-state customers. Testimony

indicated on this bill that we would lose approximately \$1-\$1½ million in liquor revenue from out-of-state sources if this passed in the form it was. There would also be a decrease, probably, in our tobacco revenue and other merchandise that is bought when we do have our visitors in. There was testimony from the Distilled Spirits Council of the United States that the surcharge on a liquor manufacture would jeopardize the availability of our premier liquor buyers. In 1930 the states who owned these liquor stores or their liquor stores called the controlled states, adopted an agreement that they would not buy liquor from any company that sold the same liquor at a higher price to any one of the other states. They required that every controlled state get the same basic low price for the product. Many of these states have written that into their law. Fifteen years ago, this is not a new way of taxing, it is not a new way of earmarking, Alabama imposed a tax similar to what we are considering today. As a result, in Alabama today, you cannot buy the brands that many of us are used to purchasing and which our customers are used to having, and the Alabama liquor stores sell alcoholic products that exist nowhere else in the nation. They testified that their companies, for example, would have to stop selling even in a large state like California, if they adopted a law like this one now before us, because it would violate the agreement with all the other states and jeopardize the sales in controlled states. If they would pull out of a big state like California, and that is the testimony, they certainly would have no qualms in pulling out of a much smaller state like New Hampshire. Now I do recognize that this could be corrected but I just want you to be clear that that is what is there now. If they would pull out of a big state, as I said, at a time of a shrinking revenue base in New Hampshire, it makes no sense at all to jeopardize our second largest source of revenue by any questionable legal taxing devices at all. All of us, and this is where we get to the crux of it, all of us here want to deal with a very real problem of alcohol and drug abuse, a vote against this bill is not a vote against that. HB 512 is just not the right way to do it. As a matter of fact if it was you tell us why the House amended it firstly, and sent it to us in a different fashion. So that what it really is is a revenue raising effort earmarking funds for a particular use. I can tell you that at a time when we are cutting downstairs with

nine very faithful people, working very assiduously to make certain that we make those cuts in a fair way, not across the board, but dealing with the human needs of our state, that drug abuse and alcohol has been a major consideration of our concern. I can tell that at a time when we are cutting millions of dollars out of excellent existing programs we should not be undertaking brand new programs while at the same time, and I hope you listen very carefully to this, passing a bill which earmarks possible revenue sources to be used for other things that are vitally needed as well, so that you cannot use them for that. This makes no sense whatsoever. I refuse to pretend, or allow anyone to brand me, that I'm against alcohol and drug abuse, or against the programs that are for it. And I'm going to deviate to tell you that the budget of this department itself, Mr. Diamond, who I have a very high respect for, who has done an excellent job, the program currently on in his department received more favorable treatment from the Senate Finance Committee than any other part of the Division of Public Health. Now that is our commitment and it was a commitment made before HB 512 became the issue that it has been made today. And today the issue is not the alcohol and drug abuse at all. For example, the current alcohol and drug abuse funding in our projected budget from the Senate Finance was a cut of approximately 10% while most other segments of similar agencies received 15%-18%-12%-20% cuts. That doesn't make us not committed to alcohol and drug abuse. So I refuse to accept anyone saying that that is what this is about. Some parts of the Public Health Division, one or two, were completely eliminated. I say that simply because drug and alcohol abuse is in that agency. We are convinced that Mr. Diamant's agency, and I say that specifically because that is the drug and alcohol abuse agency at the present time, can maintain their current programs with the funds allocated from our budget at the present time because the agency is, at this present time, restructured with him there in personnel, administrative staff only, and we have reconstructed them, and he has agreed, to make the budget cuts we gave them in the area of administration and not in alcohol and drug programs, in clinics, in field representatives, in the support for Terrill House etc. Language is such in this bill with the appropriation out as it is, that we could lose a lawsuit if we were to take and pass this as a revenue-raising

bill, which is what it is now, nothing more, and the funds generated in it were used for anything else except alcohol and drug work of the planned program. You couldn't use it for Laconia State School. You couldn't use it for the State Hospital. You couldn't use it for the University of New Hampshire. You couldn't use it for Medicaid. And I'll tell you more dangerously so, you couldn't use it for what I consider to be one of the more major priorities, and that is the ICF county home nursing fund, which is the major priority the Finance Committee needed to try and find revenue for. I just want you to understand that if you vote against this bill you are not reducing any of the drug abuse and alcohol programs currently on the books from being implemented, staying operative and carrying out their mission, which they have done very well. Secondly, if you pass this bill you are taking away two forms of revenue passed by the House denying the Finance Committee the use of those in any other form or structure, for any other priority that we may have. And I just named four and I will repeat them: Laconia State School, the State Hospital, the University of New Hampshire, Medicaid, ICF. I can run the list right on down the line. That is why I do not want the bill passed. I don't care what the Governor's representatives, who have been breaking arms all over the place, or I don't care what the rest of them say, the reason that I am against the bill is not drug and alcohol abuse at all, it is because you are earmarking funds by taxation passed by the House which we might be able to use for some other kind of a program which I think has at least an equal opportunity or priority. But by passing this you have said it in such a fashion that the funds are earmarked and cannot be used for anything else. If you think that is good government then you go right ahead and vote for it.

Sen. Preston moved that the words "ought to pass" be substituted for the committee report of "inexpedient to legislate."

SEN. PRESTON: I wish to speak in favor of the motion ought to pass. The Chairman of the Senate Finance Committee and Senate President, accurately states that if HB 512 dies today that the Office of Alcohol and Drug Abuse Prevention survives, but the assumption that HB 512 in it-

self was a survivable measure is incorrect. It is a bill designed to provide new funds for new services. As it appears before us, HB 512-FN would generate approximately \$2.2 million. It would expend for the following services a halfway house for alcoholic women, rehabilitation facility for alcoholic youngsters, and none currently exists, a social detoxification facility which involves \$75 per patient day as opposed to private hospitals at over \$200 a day, and two additional prevention programs to help parents and kids avoid the problem in the first place. It is my understanding that the agency will manage all existing services plus the ones that I have just mentioned without any increase in administrative expenses. By passing this bill we would be limiting this agency's need for federal funds as well as the \$1 million per biennium currently allocated to it from the General Fund. The long and short of it is that HB 512-FN would allow us to finally put a dent in the number one health problem and to address this problem specifically. No one is standing up here and accusing Senate President Monier or anyone else of failing to recognize the problem in alcohol/drug abuse. I think that we disagree by degree as to how we should face the problem. The Distilled Spirits lobby was strong. They appeared with objections in Senate Finance that they had not heretofore voiced all through the House procedures. A last minute effort to throw smoke up on what they said was a legal effort to remove all liquors from the shelves. The Distilled Spirits lobby was very effective and manipulative, but I guess we would like to speak to the "Destroyed Spirits" lobby, the alcoholic dollars that are spent in this state, that we are just suggesting by this bill that we begin to address the problem to a greater degree. I am not speaking to raise revenues for one specific purpose, to disenfranchise the county nursing homes, to take money away from the Laconia State School. I also recognize the budget crunch that we are facing but I really believe that this is a very specific way of raising revenues from the very source that helps to create the problem we are very well aware of and that has its effects on the citizenry, within our schools, within industry, and within government. It is a tremendous problem. For that reason only I urge your support of this bill.

SEN. MONIER: I want to speak to the motion that is now before us. I will take only one minute of your time. I urge

that we defeat this motion and return to inexpedient to legislate.

Roll Call requested by Sen. Blaisdell.

Seconded by Sen. Monier.

The following Senators voted yes: Blaisdell, Boyer, Rice, Lessard, Preston, and Splaine.

The following Senators voted no: Lamontagne, Conley, Freese, Hough, Bergeron, Chandler, Wiggins, Monier, Mann, Stabile, Kelly, Podles, Sanborn, Stephen, Brown, and Champagne.

6 years 16 nays

Motion failed.

Adopted.

RECONSIDERATION

Sen. Monier moved reconsideration on HB 512-FN.

Motion failed.

Recess.

Out of Recess.

Sen. Monier in the Chair.

HB 74, to establish the state energy resources department. Inexpedient to legislate. Sen. Wiggins for the committee.

SEN. WIGGINS: We had a hearing on this bill, a lengthy hearing. There were some amendments proposed. They have thirty-some-odd members now and they want to cut it down to ten. It had already been financed by the Finance Committee through the Governor's office and instead of starting a new department at this time when we are short of funds, after considerable discussion we made it inexpedient to legislate.

Adopted.

HB 944-FN, implementing the state solid waste plan. Ought to pass. Sen. Wiggins for the committee.

SEN. WIGGINS: HB 944-FN is a good bill. It is more complete than the majority of the bills we have discussed this session. It sets up regional areas for solid waste and it authorizes the bureaus to carry out state solid waste management plans. It also helps set up districts. We recommend passage.

Adopted. Ordered to third reading.

HB 468-FN, enabling towns to levy a hazardous waste disposal fee and creating municipal waste facility review committees. Ought to pass with amendment. Sen. Wiggins for the committee.

SEN. WIGGINS: We had a hearing on HB 468-FN. We amended it in areas. The fee would be \$.003 per kilogram of \$6/ton tipping fee. As the bill now stands we considered it an excellent bill and recommend passage.

Amendment to HB 468-FN

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to hazardous waste facility
review.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after chapter 147 the following new chapter:

CHAPTER 147-A HAZARDOUS WASTE FACILITY REVIEW

147-A:1 Definitions. In this chapter:

I. "Bureau" means the bureau of solid waste management, division of public health services, department of health and welfare.

II. "Committee" means the municipal hazardous waste facility review committee.

III. "Disposal" means the discharge, deposit, incineration, injection, dumping, spilling, leaking or placing of any hazardous waste into or onto any land or water so that the waste or any constituent of the waste may enter the environment, be emitted into the air, or be discharged into any waters including groundwaters.

IV. "Disposal facility" means a location at which hazardous waste is subjected to disposal.

V. "Governing body" means the board of selectmen, city council or board of aldermen.

VI. "Hazardous waste" means a solid, semi-solid, liquid or contained gaseous waste, or any combination of these wastes:

(a) Which, because of either quantity, concentration, or physical, chemical, or infectious characteristics may:

(1) Cause or contribute to an increase in mortality or an increase in irreversible or incapacitating reversible illness; or

(2) Pose a present or potential threat to human health or the environment when improperly treated, stored, transported, disposed of or otherwise mismanaged.

(b) Or which has been identified as a hazardous waste by the bureau using the criteria established under RSA 147:50, I(a) or as listed under RSA 147:50, I(e). Such wastes include, but are not limited to, those which are reactive, toxic, corrosive, ignitable, irritants, strong sensitizers or which generate pressure through decomposition, heat or other means. Such wastes do not include radioactive substances that are regulated by the Atomic Energy Act of 1954, as amended.

147-A:2 Notification; Review Committee.

I. When the bureau receives a completed application for a new hazardous waste disposal facility, the bureau shall immediately notify the governing body of the town in which the facility is proposed to be located of the application and send the governing body a copy of the application.

II. Upon receipt of this notice, the governing body shall, by majority vote, appoint a municipal hazardous waste facility review committee.

147-A:3 Committee Membership. There shall be at least 5 but no more than 9 persons appointed to serve on the committee. The governing body:

I. Shall appoint to the committee one or more members of:

- (a) The planning board, if any;
- (b) The board of adjustment, if any; and
- (c) The conservation commission, if any.

II. Shall appoint one of its own members to serve on the committee.

III. May appoint one or more residents of the town to serve on the committee.

147-A:4 Duties of the Committee.

I. The committee shall:

(a) Represent the town in the public hearing process relating to the facility's permit application;

(b) Have access to all information given to and comments made to the bureau, except that information relative to a disposal facility application obtained by the bureau which, in the judgment of the federal Environmental Protection Agency or the bureau, constitutes a trade secret, shall not be disclosed to the committee without notice to the owner of the trade secret and an opportunity for hearing. The bureau may provide information relating to trade secrets to the Environmental Protection Agency, provided that the Environmental Protection Agency guarantees the same degree of confidentiality provided by the bureau. A "trade secret" means any confidential formula, pattern, device or compilation of information which is used in the employer's business and which gives him an opportunity to obtain an advantage over competitors who do not know or use it. A trade secret is known to the employer and those employees to whom it is necessary to confide it.

(c) Comprehensively study the immediate and long-term effects of proposed disposal facilities on:

(1) The health and welfare of people in the vicinity of the facility;

(2) The environment; and

(3) The economy of the area in which the disposal facility would be located; and

(d) Submit a report to the bureau within 30 days of the end of the public hearing process containing the committee's recommendations regarding the proposed disposal facility.

II. The committee may hold public hearings regarding the proposed disposal facility.

147-A:5 Funds. The board may accept private, state or federal funds to pay for independent investigations on proposed sites and for other purposes associated with this subdivision.

147-A:6 Committee's Powers. This chapter shall not be deemed to permit the committee to preempt the powers of any local board or other local authority relative to the regulation of a disposal facility.

147-A:7 Rehearing.

I. If the committee determines that the bureau proposes to issue a permit to a disposal facility which, in the judgment of the committee, does not adequately protect the health and safety of the residents of the town, the committee may appeal to the commissioner of health and welfare for a rehearing. A request for a rehearing shall specify the contested issues.

II. Such an appeal shall take precedence over the other time schedules in rules adopted by the bureau.

III. The commissioner of health and welfare shall provide for a rehearing upon the issues specified by the committee. The rehearing shall take place within 30 days of the committee's request for a rehearing.

IV. The commissioner shall issue a decision within 15 days of the rehearing.

2 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted. Ordered to third reading.

HB 913, relative to the exclusion of manufactured housing. Inexpedient to legislate. Sen. Freese for the committee.

SEN. FREESE: This bill is a duplicate bill to one that has previously gone through the Senate and House. It is also more restrictive. The committee is reporting this out inexpedient to legislate and we hope that you will support the committee.

Adopted.

HB 499-FN, authorizing certain actions to establish programs in industrial and computer technologies. Ought to pass. Sen. Kelly for the committee.

SEN. KELLY: HB 499-FN authorizing those acts to establish programs in the vo-tech schools has a considerable chunk of money in it. The committee recognizes the importance of this bill and because of the requirement for training in the job areas in New Hampshire is strong we had people from the industrial and technical fields in here testifying to the need for trained students in New Hampshire and pointing out to us that these students stay in New Hampshire and become wage earners and taxpayers in this State. The committee recommends ought to pass.

SEN. BLAISDELL: Isn't it true that the Business and Industry Association came in and heavily supported this piece of legislation?

SEN. KELLY: Yes sir, it is.

SEN. BLAISDELL: Didn't they also state that there was at least between 100 and 200 jobs available today in the computer sciences in this state, if they were available?

SEN. KELLY: At the minimum.

Adopted. Ordered to third reading.

HB 613-FN, to establish a commission on occupational and professional regulation. Interim Study. Sen. Conley for the committee.

SEN. CONLEY: Put your minds at ease for a few minutes, this is not the umbrella bill that you have all been suffering through. HB 613-FN, while it is perhaps a laudatory idea, had the unanimous vote of our committee after listening to testimony to send it to interim study. One of the first problems we had with the bill was that in the second section it called for a PAU to be created, which means a budgetary item. This was because the section on page 2 dealt with the reimbursement of members of the commission. Now on testimony we find that this bill, even though it requested a PAU and had expenditures involved in it, never went to the House Appropriations Committee, and why it never went to the House Appropriations Committee even members of the House Appropriations Committee couldn't tell us. However there were other problems with the bill. One problem being that many of us felt that the way the bill is currently written it would be doing sunset all over again since the com-

mission not only would be reviewing the need for new licensing but also reviewing licensing which was already provided for in the statute and which has currently been reviewed or approved or disapproved by the sunset law. We felt that there was considerable redundancy in that situation. Also there was no provision for public hearings at all in the current set-up. The statement was made that this would cut down on the work of the Legislature because bills would not be introduced having to do with licensing and would not have to be acted on but the committee's feeling was that perhaps the legislative process was a way for this to go for a while, until they ironed out the bugs in this particular proposal, basically because one of the things that would be provided under the legislative process would be public hearings. The committee unanimously recommends that this bill be sent to interim study.

Adopted.

HB 877-FN, relative to political expenditures and contributions. Interim Study. Sen. Conley for the committee.

SEN. CONLEY: While again this was a laudatory proposal, it dealt with myriad parts of the state statutes and a review by staff indicated that there were conflicting issues involved in the changes in the election laws and the contribution and political expenditure areas to the degree that we could not understand some of them and were confused by others, and we indicated as a full committee that this should go to interim study and perhaps we can iron the thing out and bring it back in.

SEN. BLAISDELL: This is probably the first time I have had to disagree with your committee all session long. I just don't understand why it is so complex that we couldn't get rid of all these small statements that we have had to file under \$500. I just don't understand why we couldn't at least change the bill in a way that we could have gotten it into a Committee of Conference and ironed out some of the problems. I think the Secretary of State is right when he states that some of these things are just foolish to have to file. Is there any way, Senator, that we could lay this on the table so that we could

